

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

STATE OF MICHIGAN

IN THE 12th DISTRICT COURT FOR THE COUNTY OF JACKSON

PEOPLE OF THE STATE OF MICHIGAN,

V

File: 2003173FY

PETE MUSICO

2003172FY

JOSEPH MATTHEW MORRISON

2003171FY

PAUL EDWARD BELLAR

Defendant.

/

PROBABLE CAUSE HEARING

BEFORE THE HONORABLE MICHAEL J KLAEREN, DISTRICT JUDGE

Jackson, Michigan -Monday March 29 ,m, 2021

APPEARANCES:

For the People:

SUNITA DODDAMANI P 67459  
Assistant Attorney General  
1239 Sunningdale Drive  
Grosse Pointe, MI 48236  
(313) 410-1231

For the Defendant Musico:

KAREEM JOHNSON P 71988  
Attorney at Law  
505 South Jackson Street  
Jackson MI 49203  
(517) 768 6842

For the Defendant Morrison:

NICHOLAS SOMBERG P 80416  
Attorney at Law  
31700 Telegraph Rd STE 210  
Bingham Farms, MI 48025  
(248) 270 5979

For the Defendant Bellar:

ANDREW P. KIRKPATRICK P 66842  
Attorney at Law  
503 South Jackson Street  
Jackson MI 49203  
(517) 783 3500

RECORDED & TRANSCRIBED BY:

SHELLIE R. SANDERS CER 7667  
Certified Court Recorder  
(517) 788-4260

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

TABLE OF CONTENTS

WITNESSES FOR THE PEOPLE

PAGE

None

WITNESSES FOR THE DEFENSE

None

EXHIBITS:

ADMITTED

1 Jackson, Michigan

2 Monday March 29, 2021- 10:06 a.m.

3 THE COURT: Back on the record relative to three  
4 matters, People versus Mr. Pete Musico, 2003173fy. People  
5 versus Mr. Joseph Morrison, 2003172fy and People versus Paul  
6 Bellar, 2003171fy. Before the Court entertains the motion to  
7 bind over and the defendants' responses, thereto we have a  
8 hearsay motion that was filed, in fact, prior to preliminary  
9 examination by the counsel for Mr. Musico, and we'll hear  
10 that motion first. Go ahead Mr. Johnson.

11 MR. JOHNSON: Thank you, your Honor. Your Honor,  
12 it's a well settled of principles in you know Michigan and  
13 American jurisprudence that the accused has the right to  
14 confront the witnesses against him. Now there are some  
15 exceptions in which the government is allowed to elicit  
16 testimonial statements from people who are not present or  
17 sworn to tell the truth and available for cross-examination.  
18 One of those exceptions is Michigan's rule of evidence for  
19 statements co-conspirators, but there is a -- a four part  
20 test that must be passed in order to allow one of those  
21 statements to come in. First requirement that the statement  
22 be made by a co-conspirator of the party opponent, and here  
23 we believe that the testimony has shown that there was a  
24 group, the Wolverine Watchman, that group had sub groups, the  
25 QRF, Bonfire, the Council, Leadership Chat, the -- what I'm

going to refer to as the FAFO and eventually Threema. And the testimony was clear that Mr. Musico was specifically excluded from those chats. And the groups in those chats did separate things, and they did those things without Mr. Musico. They were not his co-conspirators; he was not a co-conspirator with those individuals. So under that first prong it would be unfair and improper to allow statements made by those individuals to themselves or to other individuals in conversations that Mr. Musico was not a part of, and chat groups that he was specifically excluded from. The second requirement is that the statement must have been made during the course of the conspiracy. Here we spent three days eliciting testimony about events that led up to a conspiracy to allegedly kidnap the governor of the State of Michigan. Mr. Musico was not part of that conspiracy, he was not part of that plan, he was not part of that criminal enterprise. And I believe that that is undisputed. He wasn't even aware of it. So again under prong two it would be substantially unfair to impute upon to him statements and conversations made by individuals engaged in that enterprise. Under the third requirement is that the statements made must be in furtherance of the conspiracy. Mr. Musico did not participate in the conspiracy so he could not have made any statements in furtherance of that conspiracy. He did not participate in any surveillance; he did not participate in

1 any planning on how this act was going to occur. He did not  
2 participate in any trainings specific to that criminal goal.  
3 These things took place in Luther Michigan, Wisconsin, Mr.  
4 Musico was not there. And lastly, the final requirement is  
5 that the conspiracy be proven through independent evidence.  
6 Again, there was a -- an eleventh month I believe  
7 investigation into this matter. They observed my client, Mr.  
8 Musico, attend a lawful protest after lawful protest after  
9 law -- lawful protest and attend various trainings that we  
10 alleged were lawful. When the training became specific to an  
11 alleged plot to kidnap the governor. When the conversations  
12 became specific to this alleged plot to kidnap the governor  
13 not only was, excuse me, not only were those trainings taking  
14 place in a different location in which Mr. Musico never went  
15 to. The discussion were in a chat group again that he was  
16 specifically excluded from. Your Honor, we'd ask the Court  
17 to grant the defense motion, and not allow the Attorney  
18 General's Office in this case to impute onto -- onto Mr.  
19 Musico statements made by people who are not testifying here,  
20 in chat groups that he was specifically excluded from, at  
21 locations that he had never been to, during trainings he was  
22 not present at, and for a criminal goal that he was not a  
23 part of your Honor, thank you.

24 THE COURT: Thank you.

25 MS. DODDAMANI: Good morning, your Honor.

1 THE COURT: Good morning.

2 MS. DODDAMANI: Sunita Doddamani on behalf of the  
3 People. Judge, this motion begs the question of when does  
4 this conspiracy start in this entire matter. You've had  
5 testimony for three days spanning several months. I made a  
6 timeline judge and I -- I submitted it along with my  
7 memorandum of law, and I just, I'm not going to go through  
8 each and every individual entry, but I wanted to highlight a  
9 few things. If we're asking when this conspiracy starts, it  
10 is definitely in place by April of 2020, that's our  
11 contention judge. We know that this group is formed in  
12 November of 2019 and by March 2020; there was a confidential  
13 informant who had joined, Dan, who you heard testimony from.  
14 Mr. Bellar, Mr. Morrison and Mr. Musico at this point in  
15 March of 2020 all had leadership roles, all clearly adhered  
16 to the Boogaloo ideology. Had been training with firearms at  
17 that point, were using operational security measures, and  
18 putting them in place so as to eve -- evade law enforcement,  
19 and had discussions at that point of killing law enforcement.  
20 By April 2020, all three of them were posting statements  
21 encouraging and advocating for political motivated violence.  
22 Going to protest dressed fully armed in body armor with long  
23 guns and before, even before April 15<sup>th</sup>, 2020 that protest  
24 that you heard about, Operation Gridlock. These defendants  
25 were talking about kicking off the Boogaloo, kicking off the

1 civil war, breaching the State Capital Building, and that  
2 I'll specifically point you judge to the transcript pages 124  
3 to 130. In real life trainings followed after that as well  
4 on 4-19 where they were practicing offensive tactics and by  
5 April 30<sup>th</sup> protest 2020, there was discussions of ways to  
6 breach the State Capital Building including discussions and  
7 plans to stack up against the doors. Mr. Musico was at that  
8 point talking about let's get the governor when she's leaving  
9 the building. They go in the capital; they search for the  
10 governors' door. So by early June judge even, by twenty,  
11 early June 2020 there was a solidifying of leader --  
12 leadership structure, and there was reaching out to national  
13 contacts and networking with other militia's to combine  
14 forces for political violence. To basically kick off the  
15 Boog, what they had been talking about since April. And so  
16 it's our contention that since April, this conspiracy was in  
17 place, and all of the statements are allowed against all of  
18 the individuals after that point. You know by mid-June  
19 they're actively combining with other militias like with Adam  
20 Fox and the Michigan Patriot Three Percenters, he was a  
21 Michigan contact that came from the national meeting, and he  
22 -- and Mr. Morrison had contact with the national group even  
23 ahead of their June 6 meeting. We've got Morrison making  
24 those contacts, we have Mr. Musico referencing meeting with  
25 Adam Fox to kick off the Boog. We've heard from the audio

clip that we introduced into evidence; you have Mr. Bellar attending meetings in Grand Rapids at the Vac Shack in order to represent the Wolverine Watchman and combine forces with Adam Fox. So but there -- there's lots of discussion too judge about what Mr. Fox is about. You know there's meetings in person, there's phone by June, phone calls by June, and by mid-June the group, the Wolverine Watchman, there's an effort to tighten the ranks, and purge the people that are only the key board warriors. The people that are only active online and not coming to mandatory trainings. So the conspiracy by June judge is in full swing. You know they agreed about killing law enforcement and politicians, they just didn't agree on how exactly they were going to do it. So we're not just talking about one plan, the governor kidnapping plan that we know is the ultimate result of what happens in the course of these many, many months. We're talking about by April a desire to kick off the Boog and start the civil war and actions are taken from then on. You know by late June judge they've collaborated on attack plans and they've combined. And by June 28<sup>th</sup>, material support occurs, training occurs, at the Munith property and all three of these individuals are in attendance, and so is Mr. Fox. And every thing that happens after that June 26<sup>th</sup> date is just more material support. The training with firearms in Wisconsin, in Fowlerville for Mr. Bellar. The training hosted by Joe



1 Morrison on August 9, the medical expertise that's given.  
2 Mr. Morrison's advice to Mr. Fox on how to -- how to conduct  
3 OpSec, operational security. Mr. Bellar's contribution of  
4 code words, advice on planned refinements, all of that is  
5 happening afterwards. So it's our contention judge that by  
6 April onward is when this Court should allow coconspirator  
7 statements to come in against all of these individuals. Does  
8 the Court have any questions for me at this point for me?

9 THE COURT: No.

10 MS. DODDAMANI: No, okay. Thank you, judge.

11 THE COURT: Thanks. Mr. Johnson?

12 MR. JOHNSON: Your Honor, I guess you technically  
13 can conspire to do something lawful, but it's not admissible.  
14 The April protest were lawful, they were there, they engaged  
15 in action, they violated no laws. So any alleged conspiracy  
16 to do anything at the Capital Building, not only never  
17 happened it was over. We are here for one criminal goal and  
18 one criminal goal only and that is this alleged plot to  
19 kidnap the governor. That plot, again and is -- was not even  
20 addressed by the People were discussed in chat groups in  
21 which Mr. Musico was specifically excluded from. He was not  
22 in the leadership chat, he was not in the vetting chat, he  
23 was not in the QRF, he was not in the FAFO chat. He was not  
24 on the phone in -- in -- in discussions with Adam Fox. He  
25 did not pickup Adam Fox and -- and this goes to some of the

1 bind over arguments, so I don't want to be redundant your  
2 Honor, but if the People want to allege that there were  
3 multiple discussions about potential activity that's fine,  
4 but those again will be separate and -- and distinct alleged  
5 conspiracies, and the statements regarding those should not  
6 be imputed to Mr. Musico either. I'd like to remind the  
7 Court there was no plan and -- and we got into this at the  
8 examination, and I'm sure we're going to discuss this again.  
9 There was no plan to kill law enforcement, there's a plan to  
10 kill law enforcement that killed unarmed black lives matter  
11 protestors. There was no conspiracy to kill law enforcement,  
12 and again Mr. Musico wasn't present at that pro -- at that  
13 protest with the QRF. The agreement for the conspiracy to  
14 allegedly kidnap the governor occurred after Mr. Fox selected  
15 individuals that he wanted from the Wolverine Watchman and  
16 began training in Luther Michigan your Honor, thank you.

17 THE COURT: There seems to be a difference of  
18 opinion as to what the People need to prove in order to have  
19 the co-conspirator statements admitted. We are in agreement  
20 that Michigan Rules of Evidence 801D2E governs. I -- I do  
21 think that the attorney general has correctly summarized the  
22 law and certain things that I would like to note that one  
23 does not need to participate in all acts of the conspiracy.  
24 One does not even need to know who all the conspirators are.  
25 Mr. Musico would like to say that the conspiracy apparently

1 starts when the plot to kidnap the governor crystalizes,  
2 which to some extent moves the case, the cases timeline down  
3 the road and to the second half of 2020. As the Court  
4 interprets the factual proofs and the law, the three  
5 defendants were all believers in the Boogaloo. From what  
6 I've heard thus far that means civil war. As I interpret  
7 civil war illegal violence against the state. I don't  
8 believe that the ultimate crime needs to be crystalized at  
9 the onset of a conspiracy. There were all kinds of ideas  
10 being floated around. In fact, there was a disagreement as  
11 to which state was going to go first, Virginia or Michigan.  
12 Mr. Musico himself suggested in the early months of the  
13 conspiracy, the three plan, and then sometime later catch and  
14 release of politicians, which is basically kidnapping a  
15 politician, requiring him to make, him or her to make a  
16 statement, and then releasing the politician. The Court is  
17 not indicating that merely because someone believes in the  
18 Boogaloo that they're going to commit acts of violence. This  
19 is where the circumstantial evidence comes in. Before the  
20 confidential informant ever was involved, the Wolverine  
21 Watchman had apparently seven training sessions, and  
22 continued to have those training sessions after the con --  
23 confidential informant was involved. There's been a lot of  
24 discussion whether this training was offensive or defensive.  
25 I'm a layperson and I find that incongruous to conclude that

1        what they were doing was training to protect home and hearth.  
2        These folks were training for some type of offensive  
3        maneuver. Had a shooting range at Munith, had an amazing  
4        amount of secrecy associated with their activities. Use of  
5        the encrypted service Wire. And in fact at one point in time  
6        I believe it was late April Mr. Musico himself told the group  
7        that if you're not willing to attack politicians you might as  
8        well leave. And apparently, a number did shortly thereafter.  
9        Mr. Musico meets with Adam Fox who is the individual that  
10       ultimately was involved in the plot to kidnap the governor.  
11       Mr. Musico goes to the protest, one of which the protest  
12       involved him and other individuals setting in a car. Mr.  
13       Musico makes statements he wants to kick off the Boog or  
14       Boogaloo, he's determined that there's not enough people  
15       there. But all this circumstantial evidence and I'm not even  
16       getting into all of the circumstantial evidence. There was a  
17       conspiracy to commit violence against the state merely  
18       because the ultimate initial tactic was not decided upon  
19       until a later date doesn't make any difference. The  
20       development of this conspiracy, I look at it as any type of  
21       large-scale project. People have multiple meetings, throw  
22       out multiple ideas, eventually agree on what they're going to  
23       do, hopefully obtain some type of consensus, and then act  
24       upon it. Under the law and under the facts Mr. Musico even  
25       if you accept what his attorney says, he can't go three days,

1 three -- three ways or a shall I say three quarters of the  
2 way down the road and say well I was not directly involved in  
3 getting to the destination, therefore I'm not part of the  
4 conspiracy, that's not how the law reads. I think these  
5 individuals were co-conspirator -- co-conspirators and in  
6 fact, I do believe they were co-conspirators with the other  
7 groups including Adam Fox associated with the Three  
8 Percenters, and with Barry Croft who was apparently the head  
9 of the national's militia. In terms of Barry Croft phone  
10 records indicate that he was in contact, he, Mr. Musico, as  
11 late as September. And in fact, Mr. Musico was considered  
12 the spiritual advisor of Mr. Croft. Whether or not that's  
13 B.S ultimately that's going to be for the trier of fact. So  
14 I will deny the motion and we can proceed to bind over  
15 arguments.

16 MS. DODDAMANI: Do you want me to give those right  
17 now, judge?

18 THE COURT: Yes.

19 MR. DODDAMANI: I'd be happy to.

20 THE COURT: But one thing at some point in time on  
21 the threatening to commit an act of terrorism, I would like  
22 you to address the issue of whether the act needs to be  
23 published, a person, but I wonder what your take is on  
24 whether it needs to be published to someone outside the  
25 group. Because the whole idea of this threat is to scare

1 someone. I get that's a non-legal way of putting it, but  
2 that's what I wondered about, go ahead.

3 MS. DODDAMANI: Thank you, judge. Yep I'd be happy  
4 to address that. I'll just start out judge by saying that as  
5 the Court knows here these three defendants are not charged  
6 with committing or conspiracy to commit a terroristic act.  
7 This is a whole different charge, which the Court is I'm sure  
8 very well aware now since you've had our briefs, and you've  
9 seen the law, and they are charged with providing material  
10 support. And the Court has the elements in front of it. I'm  
11 not going to go through and exhaustive list of what exactly  
12 the testimony has shown in this case. But essentially judge  
13 the three individuals that we have in the courtroom were  
14 committed to political violence. Even though they didn't do  
15 it themselves, they provided material support, and resources  
16 to others intending those resources to be used in others  
17 plans. And so they provided training while possessing  
18 firearms, personnel and expertise and their gang, not a  
19 typical gang like we would think of the Bloods and the  
20 Crypts, but their gang, the Wolverine Watchman, provided the  
21 means for it. And they satisfy judge all of the requirements  
22 under Michigan law, the five things that are needed are  
23 satisfied to consider the Wolverine Watchman a gang in  
24 Michigan. And we're talking about a group of people here who  
25 not only believe in a certain ideology, the Boogaloo as the

1 Courts mentioned, but they advocate for it, they recruited  
2 for it, they trained for it, and they attempted to combine  
3 with other groups to commit it. So these are not your  
4 keyboard warriors here judge that do nothing but sit in a  
5 room and type. These are people who are engaged in multiple  
6 real life activities to -- as the Cou -- as the statute says  
7 to plan, to prepare, to carry out or to avoid prosecution for  
8 it. So these, they're using this gang judge used extensive  
9 secrecy techniques as the Court has noted. They trained on  
10 offensive military tactics, and in some cases were better  
11 outfitted than our own military. They were not sophisticated  
12 plans, but if the capital insurrection that occurred in  
13 January is any indication judge, you don't have to be  
14 organized. You just have to be filled with rage and lack  
15 impulse control, and that's what these individuals were  
16 doing. They didn't go out and participate in a plan to  
17 kidnap the governor, but these, this; their group provided  
18 the motive, means and opportunity for those individuals that  
19 did to do so. With not only these three individuals  
20 knowledge, but with their consent and their encouragement.  
21 When they communicated those plans to commit violence, those  
22 threats of terrorisms to other persons that satisfies the  
23 communicating a threat of terrorism charge judge. Even if  
24 they didn't mean it, even if they didn't intend to carry it  
25 out, even if they couldn't carry it out. This is all built

1       into the statute, even if they changed their minds later  
2       because the charges cover true or false threats, and buyer's  
3       remorse isn't a defense in this case. Now when the Court  
4       asks the question about who does this have to be communicated  
5       to? The statute is very clear and it says that the threats  
6       have to be communicated to any person. Communicated, not  
7       published your Honor, but communicated to any other person.  
8       And these threats were communicated in a variety of ways.  
9       Not only digitally, but in person, over the phone, all  
10      different ways judge. And so the statute requires  
11      communicating. Now there's one case in Michigan law that  
12      really picks apart what it means to communicate a threat of  
13      terrorism, how you do that and -- and basically is the law in  
14      Michigan as it stands on communicating a terroric --  
15      terroristic threat. The name of the case is Os -- Osantowski  
16      (sic), I'm sorry I know I'm butchering how that is  
17      pronounced, judge. But in that case, it was an individual  
18      who was communicating online, it was an individual in -- in  
19      Macomb County, in Michigan, who was communicating online with  
20      a girl, and I believe she was in Washington State or the  
21      Seattle area. And he was telling her about how he wanted to  
22      do violence at a school, a school shooting type of threat,  
23      and she didn't know if he was serious or not, but he did  
24      quite a bit of communicating. She was located all the way in  
25      another state, and the Court in that case won, upheld the



1 statute when it applied sort of First Amendment scrutiny to  
2 it judge and found that it -- that it could up, uphold the  
3 statute because it was looking to protect a very serious  
4 interest of the state. And on top of that judge that threat  
5 was communicated online, it was never in person, and it was  
6 to a person all the way in another state. And so this -- the  
7 law in Michigan does not require that it is outside of what  
8 the Court might consider a closed group. This threat is  
9 communicated to any other person and that's what satisfies  
10 the statute. My addressing the Courts concern, is there  
11 anything additional --

12 THE COURT: You want --

13 MS. DODDAMANI: -- hat you wanted to ask about  
14 that?

15 THE COURT: You want to focus in on any person.

16 MS. DODDAMANI: Mm-hmm.

17 THE COURT: The issue is the case law seems to cite  
18 and I -- I was looking for it --

19 MS. DODDAMANI: Mm-hmm.

20 THE COURT: -- I've got so many papers here. Let's  
21 put it in my words because I'm a fairly simple guy. But  
22 those threats need to be made with the intent to commit  
23 mayhem or cause shall we say dysfunction within the state,  
24 and let's get away from the digital stuff, which I think the  
25 public digital stuff is covered by the First Amendment.

1       Let's just talk about the words, all of the words that these  
2       three defendants purportedly made were to other Watchman and  
3       the confidential informant. They would have had no intent at  
4       that point in time to commit mayhem because they would have  
5       perceived all of the individuals that they were communicating  
6       with would not say a word about it, because they were trying  
7       to keep it secret. That -- that's the issue I'm having. I  
8       understand what any person means, but can you identify any  
9       person that received any purported threats outside the closed  
10      group of the Watchman or the closed group of the various co-  
11      conspirators. That's the issue I'm having with your  
12      position.

13               MS. DODDAMANI: Sure judge. And -- and here's the  
14      thing. Not only were these statements about the plans for  
15      violence within the closed group, but many of these  
16      statements were communicated on Wire to other people that are  
17      not seated in the courtroom. In these groups where they  
18      would have the Wolverine Watchman main chat, they would have  
19      these various chats. Some of these statements were made over  
20      that communication means.

21               THE COURT: But if all those --

22               MS. DODDAMANI: But as well as posted on Facebook  
23      judge, publicly on the page.

24               THE COURT: All these statements made by these  
25      defendants, if they made them, are preaching to the choir.

1 They're going to keep it secret. I -- I'm not seeing where  
2 there's an intent to commit, and once again the statute  
3 doesn't say it, but intent to commit mayhem.

4 MS. DODDAMANI: But that's what the statute doesn't  
5 say judge. It's says that a person --

6 THE COURT: Well no the case -- the case law.

7 MS. DODDAMANI: The case law.

8 THE COURT: What I'm saying is the case law says it.

9 MS. DODDAMANI: The case law, true, but -- but I  
10 don't think the case law says that it requires an intent to  
11 commit mayhem. I believe that the case law says that you  
12 have to threaten to commit an act to any other person and  
13 that you have to knowingly make it, you have to make that  
14 threat, and no it's either false or true,. And it doesn't  
15 require, it doesn't require any closed group or outside of a  
16 closed group. It doesn't require any sort of the law; it  
17 does not require that it be made outside of people that agree  
18 with you. That is not part of the law. The -- the person is  
19 guilty of making the threat if the person does the act judge,  
20 with specific intent and -- and that's the thing.

21 THE COURT: Specific intent to do what?

22 MS. DODDAMANI: Just to communicate, the -- the  
23 specific intent is to communicate the threat judge, that's  
24 what specific intent relates to.

25 THE COURT: So as far as the statute goes its -- if

1 -- if -- if someone makes a threat to a one year old, that  
2 satisfies the statute?

3 MS. DODDAMANI: Well judge it requires that it's a  
4 serious threat, right?

5 THE COURT: Okay.

6 MS. DODDAMANI: A true threat under -- under a First  
7 Amendment analysis, which is --

8 THE COURT: Hold it, once again --

9 MS. DODDAMANI: -- a serious threat to -- a serious  
10 threat and an intent to commit, a serious threat for an  
11 intent to commit an act.

12 THE COURT: Okay. Well using your definition of a  
13 true threat, you make a threat.

14 MS. DODDAMANI: It's not my definition judge it's  
15 the Court.

16 THE COURT: The Courts definition of a true threat.

17 MS. DODDAMANI: Yes.

18 THE COURT: To a one year old, you think that  
19 satisfies the statute?

20 MS. DODDAMANI: Judge, I wouldn't say that that  
21 would satisfy the statute.

22 THE COURT: Why not, it's any person?

23 MS. DODDAMANI: Because you're not really  
24 communicating to a one year old a threat, a serious threat.  
25 You can't communicate a serious threat.

1 THE COURT: It says any person, aren't -- aren't you  
2 adding some interpretations then to the statute that's not  
3 there?

4 MS. DODDAMANI: No judge, I'm -- I'm actually  
5 sticking quite, quite, I'm sticking quite to the statute.

6 THE COURT: Okay.

7 MS. DODDAMANI: In the sense that it requires a  
8 serious threat right and it requires that that be able to be  
9 communicated. In the case of Osantowski, judge he  
10 communicated to a girl that was not even in the state,  
11 digitally.

12 THE COURT: But when you say stuff like that to  
13 someone out of state its quite clear in that scenario she's  
14 going to tell someone.

15 MS. DODDAMANI: Sure judge and -- and in this case  
16 all of these threats were communicated to the CI who is not  
17 part of the conspiracy. A CI cannot be a part of the  
18 conspiracy. And so if -- if-- if -- if Dan who came in and  
19 testified that he was in fact concerned about these threats,  
20 if he was concerned about these threats then that satisfies  
21 the statute in and of itself.

22 THE COURT: Okay.

23 MS. DODDAMANI: They've communicated at least to  
24 him.

25 THE COURT: I think we'll probably hear from Mr.

1 Kirkpatrick.

2 MS. DODDAMANI: I'm sure we will.

3 THE COURT: Okay, go ahead.

4 MS. DODDAMANI: I'm sure we will. I think judge, I  
5 just want to highlight to the Court a couple of things real  
6 quick, then I'll sit down. Sorry, just one, one second here.

7 THE COURT: That's okay.

8 MS. DODDAMANI: Judge, you know what I'm just going  
9 to save my time here and I'm going to let Mr. Kirkpatrick  
10 talk and all the other attorneys talk and I'll come back and  
11 I'm sure I'll have more to say.

12 THE COURT: Okay.

13 MS. DODDAMANI: Thank you.

14 MR. KIRKPATRICK: Good morning, your Honor, Andrew  
15 Kirkpatrick on behalf of Mr. Bellar. Your Honor, I'm going  
16 to start with just my argument for the first part of the bind  
17 over. As the Courts, aware Mr. Bellar was initially charged  
18 in this case with materials, materially supporting a  
19 terrorist act, being a member of a gang, committing a felony  
20 and felony firearm. I -- I guess I'm being a little  
21 premature because the prosecutor hasn't actually asked for a  
22 bind over on my client for making a terrorist threat.  
23 However, based upon my conversations I believe that's coming.  
24 So I'm just going to address it initially, and I will get to  
25 my interpretation of the case law as it pertains to a threat

1 being made to any person because I disagree with the  
2 prosecutors argument there. But I'll get to that after I go  
3 through the -- the rest of my argument, your Honor.

4 THE COURT: Okay. I'm going to briefly interrupt  
5 you. Am I correct in assuming that the attorney general  
6 wants a bind over as charged and you want the additional  
7 charge of a --

8 MS. DODDAMANI: Communicating a terroristic threat  
9 on Mr. Bellar, yes judge.

10 THE COURT: Yes, okay, go ahead.

11 MR. KIRKPATRICK: And, and I -- and I was made aware  
12 that that's why I actually put it in my memorandum as well  
13 your Honor, regarding the request that the Court deny the  
14 bind over. Your Honor, the Court sat through this three day  
15 hearing and heard the testimony in this case, and what we  
16 have here in my opinion, based upon how I see the facts, is  
17 the Wolverine Watchman group, they develop a militia, which  
18 as the Courts well aware, especially in the State of Michigan  
19 is not illegal. It's not illegal to be a member of a -- of a  
20 militia, otherwise we would have numerous individuals in the  
21 State of Michigan that would be arrested right now for merely  
22 being a member of the militia. My client Mr. Bellar gets  
23 involved in this Wolverine Watchman, and what is part of the  
24 training, part of the training is yes and I think the facts  
25 are -- are undisputed for a potential civil war. Now where

1 we disagree, where I disagree with the People as it pertains  
2 to my client, Mr. Bellar, is that I don't think my client got  
3 involved in this because he wanted to go on the offensive and  
4 go out and attack individuals, attack law enforcement, attack  
5 politicians. He got into this because quite frankly, and  
6 again I am not going political in this argument, your Honor,  
7 but in the beginning, I have to say a couple things. Twenty-  
8 twenty has been like no other. I'm fifty-one years old, I  
9 never in my life thought that I would be concerned about  
10 civil unrest in this country as I am today. When you look at  
11 what was going on during this time period, we look at what's  
12 going on in Portland. We've got nightly riots, federal  
13 buildings being burned. You look at what went on in Seattle;  
14 we've got an entire metropolitan area blocked off by  
15 individuals. A police department, an entire precinct in a  
16 major metropolitan area abandons itself, and the government  
17 was doing nothing. So people were concerned your Honor,  
18 people were concerned. They're concerned about what may  
19 happen in their home, what may happen in their hometown, what  
20 may happen where they are. So there was training, I don't  
21 dispute that, and they were training. Here's the concern,  
22 the People want to say that when they were training they were  
23 training for terrorist acts and one of the biggest things  
24 that they talk about up front is this storming of the  
25 capital. Well the Court heard the testimony, your Honor



1 there was never any storming of the capital. There was never  
2 any attempt to storm the capital. There was a couple  
3 individuals making some ridiculous talk, which went  
4 absolutely nowhere and what did happen, your Honor. They  
5 walked up the capitol steps, armed, the prosecutor points out  
6 they had on their gear, they had their weapons, they had  
7 their attire, none of which is illegal. You can take a  
8 firearm into the State Capital. What else do they do, they  
9 go through the front door of the State Capital, they answer  
10 all the required questions for COVID-19, they allow for their  
11 temperature to be taken, they enter in peacefully. Now while  
12 inside the capital there are individuals that are yelling at  
13 law enforcement and -- and quite frankly the -- there was a  
14 significant presence of law enforcement on that incident at  
15 the capital. What does my client do, he leans up against the  
16 wall, and does nothing. There's -- then there's testimony  
17 from the informant while they're in the capital that they  
18 banged on some door that they thought the governor was behind  
19 somehow implying that they were trying to breach this door.  
20 Your Honor, that's not facts in evidence, they banged on a  
21 door. Again not illegal, and in fact I think its common  
22 knowledge for anybody to know if an individual goes into the  
23 State Capital, and commits a crime with the amul -- with the  
24 amount of MSP presence that day they would have been  
25 arrested. Even the FBI agent testified that they had broken

1 no laws to where they could be arrested and, nor did they  
2 intervene. Again, we have FBI that's watching this group  
3 throughout and at no time under any of the protests did they  
4 ever have to intervene. At no time during any of these  
5 protests was Mr. Bellar ever arrested, let alone contacted by  
6 law enforcement for any wrongdoing. They talked about the  
7 Black Lives Matter protest that Mr. Bellar went to, and this  
8 QRF. As if this QRF is some separate group of the Michigan,  
9 the -- the Michigan Watchman, Wolverine Watchman, and at this  
10 Black Lives Matter that there's this terrorist act that takes  
11 place and/or potentially takes place. And your Honor, this  
12 is where we get into the conversation about the harming of  
13 law enforcement. Brother counsel hit -- hit the nail on the  
14 head with his argument of the co-conspiracy, that there was  
15 never a threat, we are just going to willy-nilly out of  
16 nowhere go out and just kill law enforcement for the fun of  
17 it. That never took place, what was the testimony. The  
18 testimony was by the own informant that Mr. Bellar's purpose  
19 of going to this Black Lives Matter protest was to protect  
20 the protesters, and that if condition precedent, if law  
21 enforcement did something to where he had to protect their  
22 lives he would do so. Now should he have done that, no?  
23 Should he have -- have put himself in a position where he may  
24 have had to engage in what he believed to be improper  
25 misconduct by law enforcement, no? But again, we're not here

1 for that, we're here whether it was illegal, it was not  
2 illegal. What he did at that, Black Lives Matter protest was  
3 not illegal, and not an act of terrorism. So we talk about  
4 the training and one of the things the prosecutor keeps  
5 driving home is this material support that Mr. Bellar somehow  
6 materially supported this ultimate group that went on to plan  
7 to kidnap, and abduct the governor of the State of Michigan.  
8 Well you heard the testimony, your Honor, at these trainings  
9 Dan, the informant, is the one that actually did the tactical  
10 training for the most part. He testified, he read right off  
11 of the training plan that the People presented as an exhibit  
12 when it talked about tactics and ambush tactics, and I'm  
13 paraphrasing here your Honor, but something to the extent of  
14 Dan's going to hand, have to handle that cause I don't know,  
15 pardon my language, shit about that, laughing my ass off,  
16 it's Dan. Then the People want the Court to believe that my  
17 client at these training sessions provided basic first aid,  
18 which ultimately materially supported this plot and plan to  
19 kidnap the governor. And because he trained this basic first  
20 aid that he is somehow materially supporting this ultimate  
21 plot to kidnap the governor. Well we know that's not true,  
22 your Honor, because later on we find out that the actual  
23 group that made the plan to kidnap the governor had a medic,  
24 Mr. Mollitor. Hand selected by Adam Fox who my client didn't  
25 train, and what was the other testimony. My clients

1       experience in medical is being an Explorer in high school for  
2       the Brighton Fire Department. That takes me back to the  
3       tactics, your Honor. The prosecuting attorney, they must be  
4       saying that the -- the material support here is the tactics  
5       and the medical training because we know he didn't support  
6       them financially, he didn't have any money. We know he  
7       didn't supply them with supplies, and they talk about these  
8       code words that somehow he came up with these code words at a  
9       later meeting after he had left the Wolverine Watchman.  
10      There's been no evidence presented to this Court that those  
11      code words were ever used and/or implemented by this ultimate  
12      plan by Adam Fox, and his other individuals to commit this  
13      terrorist plot. His training, what was the testimony for his  
14      training. He didn't even make it through full basic  
15      training. He made it through Army boot camp and failed to  
16      make it through AIT. He didn't even make into the Army.  
17      What is the group that we have that ultimately plans to  
18      kidnap the governor. What was the testimony on that your  
19      Honor, it was this. We have Adam Fox who is a high-ranking  
20      member in the Three Percenters, been in militia's for years,  
21      fully trained. We have a Navy Seal, a Navy Seal, the most  
22      prominent, the most well equipped, and well-trained units  
23      that the United States Military has to offer. We have a U.S.  
24      Marine; we have an Army vet with combat experience who is the  
25      informant.

1                   THE COURT: I guess should we take all of that stuff  
2                   at face value; we can't take what your client said at face  
3                   value?

4                   MR. KIRKPATRICK: I'm sorry, as far as what, your  
5                   Honor?

6                   THE COURT: Well you're -- you're -- you're saying  
7                   how -- how a you know skilled, these other people are. All's  
8                   I'm saying is, is your client certainly misrepresented  
9                   himself very extensively to the Wolverine Watchman so.

10                  MR. KIKRPATRICK: Yeah, because he found himself in  
11                  a situation where he was around a bunch of individuals who  
12                  were talking a bunch of stuff, and he got involved in the  
13                  conversation. And he made a stupid mistake, but not  
14                  criminal. The end of June, well strike that. I think the  
15                  evidence is clear that Adam Fox is the individual that comes  
16                  up with this plan to kidnap the governor, it -- it's  
17                  throughout the testimony. What does my client say about Adam  
18                  Fox in June, he's crazy? How does Adam Fox even get into the  
19                  Wolverine Watchman, the FBI, the informant. The Court heard  
20                  a twenty-minute phone conversation that was in evidence with  
21                  the FBI informant, with the FBI right next to him inviting  
22                  Adam Fox to the Wolverine Watchman. My client tells the  
23                  informant on more than one occasion that Mr. Fox is crazy.  
24                  There's a training in June, there is the Wisconsin training  
25                  that my client goes to, and the only reason he can go to that

1 training is because the informant pays for everything to  
2 allow him to go. But the testimony is clear there was a  
3 falling out with Mr. Bellar in the end of June where he is  
4 leaving the Watchman. And then in July, July 29<sup>th</sup> or  
5 thereabouts, my client tells everyone I'm leaving, I'm going  
6 to live with my father. I'm going to get a job, which he did  
7 at Door Dash; I'm going to go back to school so I can become  
8 an EMT and become a firefighter. He's gone, he never comes  
9 back to the State of Michigan, and I think the -- the record  
10 is clear that this whole plan to kidnap the governor didn't  
11 start until the first part of August, and my client is gone  
12 now. My client was not part of any meetings, and -- and --  
13 and the other thing your Honor, when they first talked about  
14 kidnapping the governor, it wasn't kidnapping the governor.  
15 It was trying to get a sheriff and a judge to do an arrest  
16 order, to arrest the governor, to charge her with a crime  
17 based upon the shut downs and the lock downs and all those  
18 things. That was the initial conversation regarding the  
19 governor. So Mr. Somberg brought up a -- a statement during  
20 this -- this case, and it talked about an idea and a plan.  
21 And -- and -- and I think that the idea and the plan plays a  
22 lot in this case because just saying something and I'm going  
23 to get to the terrorist threat argument here in just a minute  
24 your Honor. Just saying something is not sufficient for  
25 material support. In the beginning there were all these

1 little ideas thrown around. Not by my client, my client  
2 stupidly said I'm down for anything and hung around, but he -  
3 - he figured it out. He figured it out in short order. As  
4 soon as Adam Fox got involved, in this case he figured out  
5 very quickly that I need to leave, and within a -- within six  
6 weeks he was gone, never to return. And that was undisputed  
7 testimony even from the informant, he was gone. Mr. Bellar  
8 did not provide any training on surveillance, did not provide  
9 any training on water maneuvers, did not provide any  
10 training, specific training regarding any layouts of the  
11 capital, any layouts of the governors house, any plans of how  
12 to enter into the house. He didn't do any surveillance or -  
13 or -- or engage in any surveillance up north where they were  
14 checking out law enforcement locations and response times and  
15 bridges and all this other stuff. There's no training that  
16 Mr. Bellar provided to this group that materially supported  
17 them in any way. Regarding the threats, I agree with the  
18 Court, well first I would agree that the statute is vague  
19 when it says any person, and I too reviewed the case of  
20 People v Osantowski, which is cited at 274MichApp593. And  
21 the one thing that the prosecutor has skimmed over is on page  
22 --

23 THE COURT: 109?

24 MR. KIRKPATRICK: Forgive me your Honor. On page  
25 602 of the opinion. The Court actually defines true threats,

1 and it says true threats encompass those statements where the  
2 speaker means to communicate a serious express -- expression  
3 of an intent to commit an unlawful -- an act of unlawful  
4 violence to a particular individual or group of individuals,  
5 and they were citing Virginia v Black, which is a U.S.  
6 Supreme Court opinion cited at 538US343. The speaker need  
7 not actually intend to carry out the threat; rather a  
8 prohibition on threats protects individuals from the fear of  
9 violence and from the disruption that fear engenders. In  
10 addition to protecting people from the possibility that the  
11 threat and violence will occur. I agree with the Court, just  
12 because you make a statement to an individual doesn't rise to  
13 the level of a true threat. I -- I -- I -- I apologize, I'm  
14 not saying the Court made that ruling. I-- I didn't mean to  
15 put words in the Courts mouth. This case is distinguishable  
16 significantly from the case at bar, and here's why it's  
17 distinguishable for a couple reasons. Number one this threat  
18 was very in depth on planning and how something was going to  
19 occur, and it was made to a person not part of the designed  
20 plan as we have here. I agree with the Court one hundred  
21 percent, and I put it in my memorandum. What we have in the  
22 case at bar is a group who has an encrypted private chat room  
23 and private text messaging. Nothing was presented to anyone  
24 other than individuals within this group, and therefore it  
25 fails because it doesn't meet the true purpose of the



1 prohibition of a true threat and that is to protect  
2 individuals from fear of violence or from the disruption that  
3 fear engenders. If nobody knows about these threats, if no  
4 one's made aware, they didn't call the capital and say we're  
5 going to storm your place at one o'clock today, they didn't  
6 call the governor's office and say we're going to bomb your -  
7 - your -- your building. They did not say this, these  
8 statements to anyone, it was within the own group. It's also  
9 distinguishable because when Mr. Osantowski sends these  
10 threats to another individual who's not part of their group  
11 she then prints, and gives those to her father who is a  
12 police officer, who then gives those to Clinton Township  
13 Police Department who then obviously takes action. So those  
14 threats actually did bring fear, they brought fear to the  
15 listener or to the individual person who was not of the same  
16 mindset of the defendant in that case. And then they further  
17 brought fear to the school. And what did they do, they get a  
18 search warrant, they went to the house, they found pipe  
19 bombs, they found firearms, they found all these other  
20 things. So that case is completely and totally  
21 distinguishable from this case because in this case there's  
22 no proof, and no facts in evidence that anyone was ever made  
23 aware of these threats. And oh, the prosecutors grasping at  
24 straws, well we have the informant in there, the FBI put this  
25 informant in there and he's part of this group so that's the

1 person that they made it to, seriously. Your Honor, I'm  
2 asking the Court to deny the bind over as it pertains to Mr.  
3 Bellar.

4 THE COURT: Thank you.

5 MR. KIRKPATRICK: There is no material support shown  
6 here, none. Without the material support, there is no felon  
7 -- felony. I'm not even going to get into the arguments of  
8 whether there is a gang or not because quite frankly I don't  
9 think I need to make that argument because I think the  
10 prosecutor has failed to show that there's material support  
11 for any terrorist act as it pertains to Mr. Bellar, my  
12 client. Therefore, there is no -- there is no active --  
13 actively involved in a gang, committing a felony. There is  
14 no felony firearm and based upon the arguments that I just  
15 set forth, your Honor the -- the anticipated request for a  
16 bind over that my client made terrorist threats I would also  
17 ask that the Court deny the bind over as well and I would --  
18 I would ask the Court if the Court has any questions of me?

19 THE COURT: Okay, thank you.

20 MR. KIRKPATRICK: Thank you, your Honor.

21 THE COURT: Thank you. Mr. Somberg?

22 MR. SOMBERG: Okay. Thank -- thank you, your Honor.  
23 First I -- I haven't heard a specific bind over argument on --  
24 -- on the record against my client. Is -- is it all -- all  
25 four charges?

1 MS. DODDAMANI: Yep, as charged.

2 THE COURT: I-- I -- I -- I clarified that when we  
3 got started. When we got started, I said are you moving to  
4 bind over all defendants with the added charge against Mr.  
5 Bellar.

6 MR. SOMBERG: Okay, thank you, your Honor. I -- I  
7 actually -- actually going to start with addressing the gang,  
8 the gang argument first, your Honor. MCL750.411U clearly  
9 exempts non-profit organizations, your Honor. There is clear  
10 testimony that there was no profit being made what --  
11 whatsoever. There's nothing being sold, no fund raising, no  
12 dues, the group had no income, the group had no money going  
13 to any sort of leadership. Your Honor, in the attorney  
14 generals brief they just leave that -- that little, they put  
15 a dot, dot, dot where -- where it says other than a non-  
16 profit organization, your Honor. So I think on its face that  
17 they're not -- they're not a gang at all. The statute itself  
18 being very over -- very over broad, if it didn't include that  
19 any sort of organization, any sort of hunting clubs, sports  
20 club would be a gang, your Honor. But there's not test --  
21 (indiscernible) that no one's making any -- no one was making  
22 any money, they were not for profit. There's no requirement  
23 in the statute, take the statute at its face. There's no  
24 requirement that they filed paperwork for the government to  
25 become an official tax-exempt organization. All it says is

1 other than a non-profit organization; they were not for  
2 profit, your Honor. The next charge I'd like to address for  
3 Mr. Mu-- or for a Mr. Morrison is the felony firearm. The  
4 only evidence in our three days of Mr. Morrison ever  
5 possessing a firearm was at the capital at the protest, and  
6 that's where the -- the pictures were showed. Your  
7 assessment that he was walking around with -- with firearms.  
8 Other than -- other than that your Honor they have the -- the  
9 attorney general has the burden of showing that the person  
10 possessed a firearm during the commission of whatever felony.  
11 During the commission of, so if, he carried a gun at the  
12 capital while he was protesting well so what.

13 THE COURT: Well if -- if a the repetitive training,  
14 live fire tactics constitute material support, isn't that  
15 enough to legitimize a felony firearm charge?

16 MS. SOMBERG: Well your Honor, and I -- keyed word  
17 search is last, you know Morrison and the entire transcript.  
18 There is testimony that Morrison has hosted trainings, that  
19 he was at trainings, there's nothing that says he ever  
20 possessed a gun and fired a gun. So even if --

21 THE COURT: Aren't there, it seems like I read a  
22 section where they all carried long guns.

23 MR. SOMBERG: At the protest.

24 THE COURT: Okay. I mean the record speaks for  
25 itself, but I mean --

1 MR. SOMBERG: Okay. Your Honor I would, the -- the  
2 carrying of the gun, the firearm, the possession of the  
3 firearm needs to be done during the commission of the felony.  
4 So even if they're walking around on Joe's property and he  
5 has a -- a rifle slung over his shoulder in -- in -- in that  
6 moment is he in the commission of an otherwise felony your  
7 Honor. I would -- I would argue no. The next charge to the  
8 making -- the making a terrorist threat I'd echo the case law  
9 that Mr. Kirkpatrick stated in Osantowski. True -- a true  
10 threat needs to come as those statements or means to  
11 communicate serious expression of intent to commit an act of  
12 unlawful violence. So to communicating a serious threat of  
13 expression or intent, you can't do that within your -- within  
14 your own group. That -- that doesn't make any sense, that's  
15 not, that's not a communication, that's just talking amongst  
16 yourselves. There has to be a, -- a true threat, a threat  
17 meaning has -- has to be threatening. Somebody has to be  
18 scarred, threatened and further in People in Osantowski, the  
19 people, also the burden should show that these words are not  
20 mere hyper - hyperbole, your Honor. Hyperbole being  
21 exaggerated statements or claims not to be taken literally.  
22 So you're allowed to say bad things, you're allowed to  
23 express your anger, you're allowed to swear, to curse, to say  
24 all sorts of things, which was also a lot of the climate in -  
25 - in 2020 from many, many people across all, all political

1       spectrums. I feel they -- they failed to -- to show that  
2       what he said was -- was not mere hyperbole and I would follow  
3       up just that it was -- that anything that Mr. Morrison said,  
4       they argument use a lot of they, they said this, they said  
5       that, and I haven't seen any specific thing, any specific  
6       statement that Mr. Morrison said to anybody outside of this  
7       own group that was a true threat, a serious threat. I didn't  
8       see any, any evidence of that, your Honor. Going up now to  
9       the providing material support to a--, a terrorist your  
10      Honor. I -- I guess I'm still, I -- I -- I guess I'm still,  
11      I'm trying to make a defense and an argument. It's like okay  
12      well what, first of all what, who is the terrorist, what --  
13      what was the plan? And from everything we talked about the  
14      last three days I guess we're talking about Adam Fox, because  
15      we're not talking about Mr. Musico or are we. It was a  
16      little, it was a little confusing, but Mr. Musico, I mean  
17      they live together, so he can't provide land or space that is  
18      already provided, I mean he lives, he lives there. So we're  
19      talking about Adam Fox, well what was the support provided to  
20      Adam Fox, and that's support, but material support. So if  
21      somebody, we talked about ideas and plans, if someone says  
22      well we should kidnap the governor and you say yeah go, go  
23      for it, cool. That's not material even though you're  
24      expressing, I agree it's not material saying go for it's not  
25      material, saying I'm down is not material. So for exam you

1 know a very low standard here, is there a question, question  
2 of fact for the jury so if you even take, take the testimony  
3 as -- as fact that Joe Morrison said yes I'm down when the  
4 confidential informant said you know are you, are you, you  
5 going to kidnap the governor with me or what. That's not  
6 material support. And after that -- that -- that evening  
7 which was after a training, Joe never trained with Adam ever  
8 after that. And in fact I have a starred highlighted here at  
9 April 4<sup>th</sup> the confidential informant said that, to the FBI  
10 that Adam Fox told him that Joe Morrison was not yet aware of  
11 the conspiracy to kidnap the governor. No money was provided  
12 by Joe Morrison to Adam Fox or -- or anyone. No ammunition,  
13 no training was, it's Joe's land but he didn't provide any  
14 training, that was the FBI. No direction was provided by  
15 Joe, no pers -- no Joe didn't provide any person or tell  
16 anybody hey you go and be a part of Adam's plan. In fact the  
17 entire group, he was kicked out of his own; I mean everyone  
18 left the Wolverine Watchman groups. Many more group chats  
19 were created on multiple platforms, which he was excluded  
20 from and the group was made at him at the time for just being  
21 gone and -- and -- and disappearing. So again what -- what  
22 is the, what is the material support to the plan and not --  
23 not only does it have to be material support, but you have to  
24 know that that material support would be used to carry out,  
25 facilitate, avoid apprehension, create a -- create a plan.

1 So even if Adam Fox was at -- you know your Honor we had  
2 three days of testimony, but I was really and how -- how much  
3 -- how long -- how many days does it take to establish, I  
4 mean you just need a -- you just need one screenshot, one --  
5 you just need one conversation where my client says yeah Adam  
6 come to my house and train to kidnap the governor. Just one,  
7 one text message saying okay lets meet at my house and we'll-  
8 - we'll -- we'll-- you know you can, we can plot tonight. I  
9 mean there was just -- there is just nothing there. And the  
10 support has to be in furtherance of -- the material support  
11 has to be used to carry out the plan. So if you have you  
12 know Osama Bin Laden over for dinner before 911 and you tell  
13 him yeah go -- go ahead I agree with your plan and maybe the  
14 people say well you provided him food, you provide, you give  
15 him nourishment, so you provided him food and that's material  
16 support. I'm trying to think of a good, of -- of an analogy,  
17 your Honor. That -- the -- the -- whatever you provide,  
18 whatever Mor -- Joe Morrison is alleged to provide  
19 materially, which I would argue is, is nothing at all, but  
20 that -- whatever -- whatever would be provided also is the  
21 furtherance of whatever alleged plan and there wasn't even a  
22 plan at the time. When I cross examined it was a -- I forgot  
23 which -- which witness, this was actually to a Dan, June 29<sup>th</sup>,  
24 Joe Morrison's out of the loop, that was placed into  
25 evidence. On 8-4 Joe Morrison not yet aware of any -- of any



1 conspiracy. Eight, 8-20, confidential informant hasn't heard  
2 from Joe Morrison and Fox says he's not involved. 8-26, this  
3 is when everyone starts leaving the Wolverine Watchman  
4 Facebook group, 8-27, the next day is where Joe reaches out  
5 or there's a conversation between Joe -- Joe and Adam Fox and  
6 Adam Fox says hey, there's always room at my table. That was  
7 placed into evidence meaning Joe's not at his table. 9-17,  
8 Joe, statements in evidence, Joe never shows up. Also on 9-  
9 17 we have separated from Joe, 9-28 between Adam Fox and the  
10 confidential informant, this was in evidence, Adam Fox says  
11 where -- where have they been since the beginning, talking  
12 about Mr. Musico and Mr. Morrison. Confidential informant in  
13 that conversation says yes they're -- they're MIA. So your  
14 Honor, even in the light most favorable to the, -- the  
15 attorney general here your Honor there's -- they've provided  
16 no evidence. There's no question of -- of fact for-- for the  
17 jury to -- to decide here your Honor, even if like, if you  
18 say everything you said is a fact. It doesn't meet each and  
19 every; it does not meet any of the charges of which this  
20 person is charged. For those reasons we ask that, you deny  
21 their motion for bind over.

22 THE COURT: Okay, thank you.

23 MR. SOMBERG: Thank you.

24 THE COURT: Mr. Johnson go ahead.

25 MR. JOHNSON: Your Honor, I'm going to try my best

1 not to be repetitive. I know we've had various key note -

2 THE COURT: Do what you need to do.

3 MR. JOHNSON: -- various arguments. Your Honor  
4 first I -- I think there may be a -- there' is no model jury  
5 instruction for the material to support terrorism. So I took  
6 the liberty of drafting my own, if I can approach the Court.

7 THE COURT: Sure, I appreciate that.

8 MR. JOHNSON: Your Honor, we are objecting to the  
9 bind over of all counts to Mr. Musico. Your Honor, the  
10 testimony presented that around November the Wolverine  
11 Watchman formed, it's formed as a Facebook group, it had two  
12 administrators, they were looking for like-minded individuals  
13 to train. The People are alleging that makes them a gang.  
14 The Wolverine Watchman are a gang, local bar association  
15 would be a gang, Black Lives Matter would be a gang NAACP  
16 would be a gang, any religious group that had a Facebook page  
17 would be a gang. They were or believed in the Boogaloo, an  
18 impending of belief that there may be at some future point a  
19 civil war. It's not a conspiracy, just a shared belief that  
20 social groups often have. Mr. Musico was not an  
21 administrator of this Facebook page; he was not an  
22 administrator of the private chats. There was testimony that  
23 there was recruitment and vetting, over the course of the  
24 cross-examination specifically asked who did Mr. Musico  
25 recruit or vet. The answer was always either I don't know or

1 in the negative. There was seven trainings that were planned  
2 prior to any shut down order or any COVID-19 action taken by  
3 the governor, and at some point, the con - Dan, joins the  
4 group. Now the -- Dan then goes, because he has a  
5 disagreement with the group contacts law enforcement, he was  
6 in contact with the FBI, and he was asserted back into the  
7 group as a confidential human source. There's protest that -  
8 - that are attended, and you saw from the slide presented by  
9 the People, most of these actions taken by the Wolverine  
10 Watchman, what I would call the Wolverine Watchman, were  
11 lawful, all of them. You had the Operation Gridlock protest,  
12 as you know counsel stated was a protest. They were there  
13 exercising their First Amendment rights, it was known that  
14 they were going to be there, the media showed up, law  
15 enforcement was there. There was training in April, a second  
16 protest while house was in session and the People makes you  
17 know a big issue about that protest. But as Mr. Kirkpatrick  
18 stated that again was a planned protest, they showed up, an  
19 exercise of the First Amendment rights. They were allowed  
20 into the building, they checked in with the police, they had  
21 on their mask, they had their temperatures taken, they were  
22 given instructions on -- on what to do and what not to do  
23 with their weapons. They were allowed in the building. To  
24 compare that to what happened on January 6 at the Federal  
25 Capital is highly improper. What happened here in Michigan

1 with the Wolverine Watchman is how it's supposed to happen.  
2 You have a protest; you stay in the public -- publicly  
3 assessable areas of the capital. You comply with law  
4 enforcement, you -- you express your grievances. Yes, you  
5 yell and scream, that's the point of a protest. Your Honor,  
6 this is the United States of America, we talk disrespectfully  
7 to each other, that's what we do. We yell at our law  
8 enforcement, we say mean things about our elected officials,  
9 that's what set us apart from most countries that don't have  
10 our First Amendment protection.

11 THE COURT: Does your client actually believe that  
12 the attorney general is saying that the public protest that  
13 anything was done wrong?

14 MR. JOHNSON: We hope not your Honor, but they admit  
15 into evidence things from that public protest.

16 THE COURT: But can't -- can't -- can't legitimate  
17 lawful actions be utilized to help glean intent if someone  
18 does an act down the road, which arguable could be criminal?

19 MR. JOHNSON; I don't think so your Honor, if you  
20 take, if I -- if I am at a political protest in which I am  
21 expressing my grievances against law enforcement.

22 THE COURT: Yeah.

23 MR. JOHNSON: And then I'm later arrested for drunk  
24 driving and charged with resisting arrest should the  
25 prosecution be able to use the fact that I was at a anti

1 police protest three months ago to show my intent in  
2 resisting arrest.

3 THE COURT: Well let -- let's use this for an  
4 example.

5 MR. JOHNSON: Okay.

6 THE COURT: While I'm at the protest and I say I  
7 hate Governor Whitmer. Four months down the road, I'm with  
8 Governor Whitmer, open carry, and she's shot and I say it's  
9 accidental and other people say no he did it on purpose.  
10 Isn't that prior lawful statement admissible to establish  
11 intent?

12 MR. JOHNSON: Yes, your Honor.

13 THE COURT: Okay. That was the point I was trying  
14 to make.

15 MR. JOHNSON: Okay.

16 THE COURT: Okay.

17 MR. JOHNSON: All right. So now, a decision's made  
18 to charge Mr. Musico with crimes after this eleven-month  
19 investigation. First thing he's charged with is making a  
20 terroristic threat. It appears that all parties involved  
21 have -- have quoted Osantowski case. As Mr. Kirkpatrick  
22 correctly stated the ruling in -- on -- in Osantowski is that  
23 in order to comply with the First Amendment it's not just  
24 that a threat be made, but the threat be made in a matter in  
25 which to insight some sort of negative reaction upon other

1 people, for society at large is what the -- is what the Court  
2 is saying.

3 THE COURT: Let me rephrase it a different way.

4 MR. JOHNSON: Yeah.

5 THE COURT: That is intended to intimidate or  
6 coheres the civilian population or influence or affect the  
7 conduct of government or a unit of government through  
8 intimidation or coercion, would you agree with that?

9 MR. JOHNSON: That is correct, your Honor.

10 THE COURT: Okay.

11 MR. JOHNSON: And that didn't happen in this case.

12 THE COURT: I'm quoting from page nine of Mr.  
13 Kirkpatrick's brief, which is part of the Osantowski case, go  
14 ahead.

15 MR. JOHNSON: All the statements made were made to  
16 like-minded individuals and to an individual that they  
17 thought was like-minded. Unlike that, case where the  
18 statements made to someone in a different state and more  
19 importantly to -- to add onto that your Honor they've asked  
20 this court to treat these people as co-defendants, as all one  
21 person under the law. So we even have to decide whether or  
22 not a threat was even communicated to any other person  
23 because they've told you, your Honor, treat all three people  
24 as if they're the same. So now, we have got a guy in an  
25 empty room yelling his displeasure at the governor so no

1 threat was communicated. Your Honor, I also quoted the a --  
2 the Thames case and you know the reason for quoting the, the  
3 Thames case even though it was a-- a 1983 action was they  
4 talked about in which when Thames won you know against the  
5 allegations presented against them, and sued they said well  
6 wait a minute we want to give you know officers the ability  
7 to -- to act quickly and give them the benefit of the doubt.  
8 That was a case in which the officers had to make a quick  
9 second decision on whether to arrest that defendant after  
10 statements were made about an abortion clinic blowing up.  
11 Here there is an eleven-month investigation. Based on the  
12 testimony we know that there was a statement allegedly made  
13 by Mr. Musico about firebombing a state trooper's home. It's  
14 reasonable to note that that wasn't true. There was a  
15 statement made about C4, there was a -- you know and although  
16 the agent said, hey I don't know if that was true or not in  
17 terms of fire bombing, we noted, the Court can conclude that  
18 Mr. Musico was not telling the truth about firebombing the  
19 troopers home. There was a statement about the C4; the agent  
20 admitted that he found that the C4 was fake. There were all  
21 kinds of statements made by Mr. Musico who they nicknamed  
22 Crazy Pete weren't true. So unlike these other cases on  
23 Osantowski where I believe the arrest was made in a matter of  
24 days or Thames where the arrest was made right then and  
25 there, they had eleven months to know Mr. Musico wasn't

1       engaging in any true threats. Not only was he not  
2       communicating these statements to anybody outside the group,  
3       they weren't true, he didn't mean them, they were just  
4       political hyperbole. Mr. Musico didn't make any -- any  
5       threats about kidnapping the governor, you know and now that  
6       the court has, has denied the hearsay motion the Court can't,  
7       you know is going to impute Mr. Musico the statements made by  
8       other people. Your Honor, you still have to reconcile  
9       binding this case over with the Quigley case. Now I notice  
10      in the People's brief they will address the Quigley case.  
11      Page fifteen to seventeen of their brief they talk about you  
12      know their personal opinion, about the statute, and of-- they  
13      say I rely too much on this term kidnapping, but it's not my  
14      reliance it's the Court of Appeals in Quigley. In which the  
15      people in that case conceded that when Mr. Quigley walked  
16      into City Hall with a weapon, mad because the police wouldn't  
17      investigate a kidnapping that he thought had occurred and  
18      held the mayors secretary hostage because Michigan decided  
19      they want to have this special kidnapping statute that  
20      they're, Michigan's kidnapping statute was not a violent  
21      felony for purposes of you know this act of terrorism, and  
22      they even and I believe I provided the case to the Court.  
23      They even analyzed false imprisonment, and ruled the same  
24      thing with false imprisonment and said that no that's not a  
25      violent felony for the purposes of an act of terrorism. So



1 if what Mr. Quigley actually did, although he was convicted  
2 of other crimes, wasn't terrorism then how can what other  
3 people plan to do that never occurred be terrorism. And so  
4 in the People's brief they don't say well Quigley's no longer  
5 good law, it was overruled, they don't say that. They don't  
6 say the facts of Quigley don't apply here because it's  
7 clearly on point. They chose to ignore it, you can't do  
8 that. The Court has to address Quigley before, before  
9 binding over.

10 THE COURT: Your take on Quigley is, is that it says  
11 false imprisonment is, -- is not a violent felony?

12 MR. JOHNSON: Yes, your Honor. Secondly we -- we  
13 get into this gang statute. The People have to show and  
14 again I don't want to repeat things that Mr. Somberg said  
15 cause there were five or more people in constant contact.  
16 Mr. Somberg has already went over the testimony; you know  
17 citing the testimony about Joe being MIA, Pete being gone.  
18 Mr. Kirkpatrick's already talked about his client leaving in  
19 -- in early, late July. There was testimony that Mr. Musico  
20 left in the beginning of July. So who are the five people  
21 that in constant communication, while you are in this alleged  
22 material support of terrorism. There was no agreement by  
23 those five to commit a felony and you can look at the habit  
24 and routine practices of the Wolverine Watchman. It was to  
25 go to political protest and engage in lawfully, lawful First

1 Amendment activity.

2 THE COURT: That sounds like a character argument  
3 that a -- you said is improper relative to the confidential  
4 informant.

5 MR. JOHNSON: Well it was improper for the -- for  
6 the FBI agent, its not improper for me your Honor. In -- in  
7 argument. When they went to the Black Lives Matter protest,  
8 going to you know page one hundred of the transcript and we  
9 went-- we went over this with the, I'm sorry, we went over  
10 this with the Special Agent Impola and ultimately got to,  
11 Impola, I --, I'm sorry your Honor. Starting at page nine  
12 going all the way, all the way down to 102, his last answer.  
13 Now they can't be present, excuse me, not now. They can't be  
14 present at the protest as militia to infringe upon the  
15 freedom of speech of those present and they also can't  
16 enforce the law. Now in this case they didn't enforce those  
17 laws, their stated purpose was to enforce the laws when they  
18 were, whether that's illegal or whether that's offensive or  
19 defensive I -- I -- its hard to say. So the very first one  
20 the agent isn't even prepared to say that they did anything  
21 illegal. The other protest as the Court has already  
22 indicated were lawful. Now whether there were things said  
23 that may, at those protest if the Court wants to take to  
24 establish intent down the road we can get to that down the  
25 road. But the -- the Wolverine Watchman when they went to

1 all these protest, even though, the Black Lives Matter  
2 protest had turned violent never engaged in any criminal  
3 activity. Secondly, in addressing the gang statute we talk  
4 about whether or not the Wolverine Watchman was the gang and  
5 if so if there were subsets of that gang. That was the --  
6 the purpose of the -- of the Bemis case your Honor, in which  
7 the Court, the-- the Court there held that there can be a  
8 gang and there can be subsets of the gang. And in that  
9 case, the defendant was found to be both a member of the gang  
10 and the subset groups that engaged in the murder. Here even  
11 if the Court finds that Mr. Musico was a member of the  
12 Wolverine Watchman and the Wolverine Watchman was a gang then  
13 clearly the QRF, Bonfire, The Council, Leadership, FAFO and  
14 then Threema were all subsets of that gang. And Mr. Musico  
15 not only was he not a member of those subsets he was  
16 specifically excluded. And lastly did Mr. Musico membership  
17 of the gang, in the gang provide any motive, means or  
18 opportunity for anybody in that gang to commit a felony. No,  
19 everybody already had their political beliefs, their social  
20 beliefs, their beliefs about guns before they joined this  
21 group. This is not a situation where a blood shoots a crypt  
22 that he doesn't even know merely because he's a crypt and I'm  
23 a blood. Everybody already owned their own rifles, everybody  
24 already own their own ammunition; there was nothing that the  
25 Wolverine Watchman provided by way of motive, means or

1 opportunity to anybody else. So based on that we'd ask the  
2 court to also dismiss that count. And as all defense  
3 counsels have already stated material support of terrorism,  
4 we are likewise asking you know the Court to dismiss that.  
5 And -- and this -- this charge is even unique, your Honor. I  
6 understand the People didn't even address this in their  
7 brief, their written brief, I think there's an agreement  
8 between defense counsel that there are no notes of decision  
9 or appellate cases that control. So there's nothing to argue  
10 in terms of whether or not the Court abused -- abuses  
11 discretion in this case. As a matter of fact, there's no  
12 standard jury instruction, I wrote my own, I couldn't even  
13 find any evidence that this charge has ever been litigated in  
14 any trial court in the State of Michigan. So the first we  
15 have to do is we have to look at whether the jury, what the  
16 jury instruction should be and what the prosecutor has to  
17 show by way of elements by probable cause and I think Mr.  
18 Somberg has already you know a great job eliciting that and -  
19 - and arguments of course. So I'm not going to go back over  
20 that. But what I will do to add on to what he said is, as I  
21 stated in my, my brief the first thing we have to do is we  
22 have to define material. And so because material isn't  
23 defined in the statute we use the common definition and  
24 that's what I did in my brief that it -- that it must be  
25 important, essential and relative. There is nothing that Mr.

1 Musico did that was important, essential or relevant to any  
2 plot or support of terrorism. He didn't own any home; he  
3 didn't provide any training space, at all, whether it was for  
4 a terrorism plot or just regular training. He lived at the  
5 Munith Road address, people came to Munith Road to train,  
6 there was a litany of cross-examination between me and the  
7 special agent as to whether or not Mr. Musico actually  
8 invited anybody. His response was always well it was  
9 discussed and he was a great part of that discussion. But he  
10 didn't invite anybody your Honor. And more importantly, he  
11 didn't have the ability to tell anybody else not to come. He  
12 didn't provide any training that was discussed in cross-  
13 examination with -- with the special agent. He didn't have  
14 any skill set, any military skill set, he'd never served, he  
15 had no combat experience. As a matter of fact going to I  
16 believe 105 and 106 of the transcript, 105 started line, line  
17 fifteen down to 106. I specifically asked the agent Mr.  
18 Musico didn't train anybody, he said no. He was there being  
19 trained by other people including your confidential resource,  
20 say yes. He had no military training, had no combat skills;  
21 he was there as a rank and file member being trained. And  
22 your Honor I think it's important to note that the people at  
23 that training who wound up in Luther with Mr. Fox and  
24 training for the plot that was to kidnap the government,  
25 governor as Mr. Kirkpatrick stated were the ones that had

1 prior military experience. Both Dan and Ty Garbin. So  
2 clearly, Mr. Fox when he came was able to see who at the  
3 Wolverine Watchman was good and who was serious and took  
4 those people, it wasn't Mr. Musico. He didn't give them any  
5 money, he didn't help finalize any plan, and as was stated in  
6 the testimony in early July he left, he went to Alabama. Now  
7 the Court can go all through the transcript and see when he  
8 came back. There's no testimony about when he came back.  
9 Now there was testimony that at some point and it's indicated  
10 on the People's -- the People's attachment to the brief that  
11 he contacted Barry Croft and says hey bring the -- the three  
12 plan and what does Barry Croft say, he said Pete's a good  
13 man, I've leaned on him for spiritual support during these  
14 tough times, he completely dismisses him. That's no  
15 different that when I'm down at Ford Field watching the Lions  
16 game and I'm yelling at the coach run a different play, and  
17 he ignores me. Okay, that don't make me a member of the  
18 coaching staff, any of the coaching staff has been fired. It  
19 -- it just means that I'm there, and I'm yelling something  
20 that's not accepted. And that's all Mr. Musico did during  
21 this time period. He never led any training, he never  
22 provided any place to train, any weapons to train. He never  
23 gave anybody any particular skill set or tool to use in what  
24 was ultimately the terror -- terrorism plot that we're here  
25 for. No car, didn't drive anybody, no gas money, he didn't

1 even make lunch. There was no material support given by Mr.  
2 Musico to the individuals who went on to become terrorists  
3 your Honor, and based on that we'd ask that that count be  
4 dismissed, your Honor. Your Honor, do you have any questions  
5 for me, your Honor?

6 THE COURT: Nope.

7 MR. JOHNSON: All right, thank you very much.

8 MS. DODDAMANI: Judge, I'm just going to make a  
9 couple of points of law here to start off with. Okay, so  
10 first we don't have to make up any definitions in this case.  
11 All the definitions are in the statute and in fact, there is  
12 published, there is -- there is case law on this charge that  
13 is unpublished so there's plenty of that. First, get that  
14 out of the way, that's the providing material support as well  
15 as communication of a terroristic threat. So there's a lot  
16 of unpublished case law on that. Second, the definitions are  
17 in the statute, and they are listed judge and these are very  
18 important definitions because they define what material  
19 support is, they list out several things, they define exactly  
20 what a gang is. So the ones, the definition section I'm  
21 talking about, the Michigan Anti-Terrorism statute is  
22 750.543B. So just a couple of things on that. So first the  
23 gang statute as a the attorney for Mr. Morrison mentioned to  
24 you judge that the gang statute is 750.411U and in subsection  
25 1A it says that gangs means an ongoing organization,

1 association, or group of five or more people other than a  
2 non-profit organization. So what I have to show is that it  
3 is not a non-profit organization and being lawyers we all  
4 know what a non-profit organization means, it has to be  
5 registered by the state. So what I have to prove, I have  
6 proven, which is there is an exemption here in this group of  
7 five or more people for other than a non-profit organization,  
8 and the agent clearly testified this is not a non-profit  
9 organization registered in the State of Michigan. Okay, so  
10 second judge, we've made a lot of reference to the Osantowski  
11 case, and on page 605, there is a section here that talks  
12 about true threats, and what they encompass, right. Speaker  
13 means to communicate a serious expression of intent to commit  
14 an act of unlawful violence to a particular individual or  
15 group of individuals. The Court goes on to say in that  
16 paragraph; accordingly, the only intent that the prosecution  
17 had the burden to prove was defendant's general intent to  
18 communicate a true threat. So a general intent to  
19 communicate a true threat, and so we're talking about the act  
20 of communication. We're not talking about what the  
21 definition of terrorism is; we're talking about communicating  
22 a terroristic threat. What is a terroristic threat, that's  
23 what's defined in this statute, in 750.543M, and in the  
24 related definition section, in an act of terror -- terrorism  
25 is a violent felony dangerous to human life intended to



1 intimidate or coheres a civilian population or influence the  
2 conduct of government, or a unit of government through  
3 intimidation or coercion. So that definition that we've been  
4 --

5 THE COURT: Mm-hmm.

6 MS. DODDAMANI: -- throwing around here judge is  
7 actually just the definition of terrorism. It's not the  
8 definition of communicating an act of terrorism, which the  
9 Court in Osantowski says that there has to only be, the  
10 prosecution only has the burden of proof the defendants  
11 general intent to communicate a true threat. So I wanted to  
12 get that off the table here first. And judge also the  
13 statute does not give an exception for friends, dinner party  
14 guests, buddies, ideologically like-minded individuals.  
15 There is no exception for that, and there is no requirement  
16 under the statute and I keep hearing this, but it's not in  
17 the statute judge of bringing fear is not part of the  
18 statute. The onus here is not on the victim according to the  
19 statute judge, the onus is on the speaker. The person that  
20 is communicating the threat, and right there written in the  
21 statute judge it says, and the legislature thought of this  
22 when they wrote the statute, it says you don't have to intend  
23 to carry it out. You don't have to have the capability to  
24 carry it out. You just got to communicate it and the  
25 legislature already thought of that. So if no one knows it's

1 not a threat, that's what I heard a couple of times, yeah  
2 that's right. If no one knows, it's not being communicated  
3 so yeah it's not a threat if no one knows and the exhibits  
4 that we entered into evidence shows that people know. For  
5 this Court not to bind over on the threat, communicating a  
6 threat of terrorism judge would require that you didn't find  
7 that the people in the group are persons. It would require  
8 that you find judge that Dan, the CI, is not a person that  
9 that threat was communicated to. And if you look at the  
10 exhibits, we entered into evidence it goes beyond just a  
11 closed group or one or two individuals. Exhibit four N with  
12 Mr. Morrison, one, two I'm coming for you, three, four better  
13 lock your door at G E Whitmer, hash tag Boogaloo, hash tag  
14 Boojahideen. This is on -- this is on Instagram I believe,  
15 was the -- was the mode of communication. This is to  
16 everyone that followed him on Instagram.

17 THE COURT: You think -

18 MS. DODDAMANI: Mr. Morrison -

19 THE COURT: -- you think -- you -- you think those  
20 photographs no matter how distasteful are not covered by the  
21 First Amendment?

22 MS. DODDAMANI: Well judge that's a question of fact  
23 on whether he's serious and it's a question of fact on  
24 whether that -- it -- it's a question of fact as to that  
25 judge. It is certainly a question of fact, and for a trior

1 of fact. And for this Court to make that determination would  
2 be wrong. And not only that judge and four H, Mr. Morrison,  
3 if you pussies want to do shit join us or be complacent up to  
4 IDC y'all were begging a few weeks ago for a shut down now  
5 you're crying anyway. We want to restore the republic and  
6 true liberty. If you're about that life come on over to  
7 Wolverine Watchman and come train and get ready, if not have  
8 fun bitching on Facebook. If you don't like my language I'm  
9 sorry, I'm -- I'm tired, mostly tired of y'all. I mean --

10 THE COURT: So any -- any --

11 MS. DODDAMANI: -- these are all things judge that  
12 he's communicating not just to a closed group as the Court is  
13 -- is citing but rather to everyone.

14 THE COURT: So anytime someone publicly says  
15 something the prosecutor can't like or doesn't like you can  
16 call it a false report or threat of terrorism.

17 MS. DODDAMANI: No.

18 THE COURT: And argue that it goes to trial?

19 MS. DODDAMANI: No judge, no. It's not about what I  
20 like and don't like or find offensive or don't find  
21 offensive. It's about whether it's -- it satisfies the  
22 definition section of 750.543B, and it's not just this  
23 statement judge. It's every statement he made that  
24 communicated an intent to commit terrorism, which he not only  
25 said judge, but he went and -- and did things in real life.

1 This is more than just talk; we're talking about encrypted  
2 apps, training on offensive tactics, using homes and land to  
3 do so, spending your own money and time to go do these  
4 things. We're talking about travelling to the middle of  
5 nowhere, we're talking about your own time and resources,  
6 you're -- you're trying to combine with other groups.  
7 They're talking about refining and improving plans, giving  
8 direction plans. We're talking about --

9 THE COURT: I -- I -- I understand the distinction  
10 between the cryptic communications I -- I'm just curious  
11 because I -- I didn't realize it was going to go this broad.  
12 What -- what public communications, whether it was on  
13 Instagram or Facebook are you contending justifies a charge  
14 of false report or threat of terrorism?

15 MS. DODDAMANI: No judge the -- the -- the group  
16 post, there are still members of the group. So if the Court  
17 is talking about a closed group you're talking about vetted  
18 members of a closed group.

19 THE COURT: Okay.

20 MS. DODDAMANI: But judge you have to find that none  
21 of those people are persons for purposes of the statute. You  
22 have to say that because you're in a group that disqualifies  
23 you from the statute. But there's no exception for closed  
24 groups or friends or buddies or dinner partners.

25 THE COURT: Okay. Well --

1 MS. DODDAMANI: Or people that you recruit for your  
2 group.

3 THE COURT: What I'm looking --

4 MS. DODDAMANI: There's no exception for that,  
5 they're a person.

6 THE COURT: -- what I'm looking at is -- is -- is  
7 page nine of Mr. Kirkpatrick's brief --

8 MS. DODDAMANI: Which I don't I'm sorry, have here.

9 THE COURT: -- it cites Osantowski.

10 MS. DODDAMANI: Yep.

11 THE COURT: One hundred or on pages, 109 and they  
12 talk, it talks about a threat may constitute an act of  
13 terrorism and then it -- then it goes on to discuss acts of  
14 terrorism.

15 MS. DODDAMANI: Mm-hmm.

16 THE COURT: And down at the bottom it says that is  
17 intended to intimidate or coheres a civilian population or  
18 influence or affect the conduct of government or a unit of  
19 government through intimidation or coercion.

20 MS. DODDAMANI: Yes, judge.

21 THE COURT: I understand what you say; I could read  
22 the statute as well as anyone.

23 MS. DODDAMANI: Mm-hmm.

24 THE COURT: And it says any person, I understand  
25 that.

1 MS. DODDAMANI: But it -  
2 THE COURT: But it looks like --  
3 MS. DODDAMANI: -- but it doesn't say that here  
4 judge.  
5 THE COURT: Okay.  
6 MS. DODDAMANI: It doesn't say that in this section.  
7 This is the definition of what terrorism is.  
8 THE COURT: Okay.  
9 MS. DODDAMANI: When -- when you're talking, I don't  
10 mean to, I'm sorry, to interrupt you judge.  
11 THE COURT: No, no that's okay.  
12 MS. DODDAMANI: This is the definition of what  
13 terrorism is. You -- if you look at the statute that we  
14 charged.  
15 THE COURT: Mm-hmm.  
16 MS. DODDAMANI: Which is the one right above it, the  
17 paragraph about that paragraph judge that outlines the  
18 communication requirement. What you're defining judge is, is  
19 the definition section of the terrorism statute.  
20 THE COURT: And isn't false report or threat of  
21 terrorism under that section.  
22 MS. DODDAMANI: Yes, judge.  
23 THE COURT: And doesn't it -- doesn't your complaint  
24 say did threaten to commit an act of terrorism. So don't I  
25 have to refer to the definition of terrorism?

1 MS. DODDAMANI: You do.

2 THE COURT: Okay. And isn't Mr. Kirkpatrick citing  
3 Osantowski relative to what constitutes an act of terrorism?

4 MS. DODDAMANI: Yes, judge.

5 THE COURT: Okay. So I --

6 MS. DODDAMANI: I just want to make the distinction  
7 really clear that when we're defining an act of terrorism we  
8 also have to talk about what the statute says of  
9 communicating it.

10 THE COURT: I -- I understand that.

11 MS. DODDAMANI: Okay.

12 THE COURT: You've charged, your complaint says did  
13 threatened to commit an act of terrorism. So I'm just saying  
14 what is an act of terrorism.

15 MS. DODDAMANI: Mm-hmm.

16 THE COURT: And I perceive that Mr. Kirkpatrick has  
17 provided us with that definition, which talks about coercing  
18 a civilian population.

19 MS. DODDAMANI: Mm-hmm.

20 THE COURT: Are we all in agreement on that?

21 MS. DODDAMANI: Yes.

22 THE COURT: Okay. And how do you intend to  
23 intimidate -- intimidate or coheres a civilian population  
24 when you're preaching to the choir, when you clearly believe  
25 that it's not going to leave your closed echo chamber?

1 MS. DODDAMANI: Not everyone in the choir is part of  
2 the choir though judge.

3 THE COURT: Okay.

4 MS. DODDAMANI: You have to remember that.

5 THE COURT: Okay. But we're talking about  
6 intention, isn't as far as the -- these three folks go Dan  
7 was their number two; they believed Dan to be part of their  
8 group?

9 MS. DODDAMANI: Huh-huh.

10 THE COURT: So I -- I -- I -- I guess I'm not  
11 accepting your position.

12 MS. DODDAMANI: I understand judge.

13 THE COURT: That -- that since he's a confidential  
14 informant it still gets to the intent of these three  
15 defendants, and as far as these three defendants are  
16 concerned Dan was with them and isn't going to tell anyone  
17 and end of story.

18 MS. DODDAMANI: Right judge, except that Dan's not  
19 the only person in the group, right?

20 THE COURT: Okay, well who, who else is in the  
21 group?

22 MS. DODDAMANI: Then and what you're saying those  
23 judge too, is that if you find that communicating that to Dan  
24 means that Dan's not a person for purposes of the statute,  
25 and that's what I'm -- that's what I'm pushing on back



1       against judge.

2               THE COURT: Well the stat -- yeah but the statute  
3       also says or, that you have to communicate a -- a threat of  
4       you know, a threat of terrorism so you can't ignore there --  
5       the definition of terrorism.

6               MS. DODDAMANI: Right, you can't ignore the  
7       definition of terrorism.

8               THE COURT: Yeah and -- and --

9               MS. DODDAMANI: I think we're saying the same thing.

10              THE COURT: I think we're saying the same thing.

11              MS. DODDAMANI: Ultimately.

12              THE COURT: You want to, you want to deal with any  
13       person and I -- I -- I'm saying that your complaint does not  
14       fall or a what -- what you're alleging is not an act of  
15       terrorism.

16              MS. DODDAMANI: Right and I think that's where we're  
17       --

18              THE COURT: Yeah.

19              MS. DODDAMANI: -- I think that's where we also  
20       differ though judge.

21              THE COURT: Yeah.

22              MS. DODDAMANI: In the sense that when you  
23       communicate that you're going to go and commit violence  
24       against a politician, that is always an act of terrorism.  
25       When you communicate that you are going to do anything that

1 is a force, using force dangerous to human life, intending to  
2 coheres or intimidate a civilian population, you're not  
3 trying to coheres or intimidate Dan judge you're trying to -  
4 the -- the-- you're trying to say that you are going to do an  
5 act that is all of those things. It's not, Dan is your  
6 intended, is your intended target, it's government is your  
7 intended target. Anything that affects the conduct of  
8 government or intimidates a particular group or civilian  
9 population.

10 THE COURT: Boy your interpretation really screws up  
11 the definition of a threat as everyone else understands it to  
12 be.

13 MS. DODDAMANI: I think I'm keeping to the law  
14 judge.

15 THE COURT: It -- it -- it -- it reminds me of  
16 Doctor Strangelove with all the dooms day machine.

17 MS. DODDAMANI: I think that I'm --

18 THE COURT: And Doctor Strangelove, the Russians  
19 have a dooms day machine and they want it to serve as a  
20 deterrent and a Doctor Strangelove says well in order for it  
21 to be a deterrent you gotta tell someone. It's not a direct  
22 analogy but it; I think it's the same thing.

23 MS. DODDAMANI: I think we differ judge.

24 THE COURT: Okay.

25 MS. ODDDAMANI: I think I'm staying true to the

1 statute.

2 THE COURT: Okay.

3 MS. DODDAMANI: All right. Just a couple more  
4 things here. You know, I know that this seems to be going  
5 towards the direction of this is Dan, this is all Dan's  
6 fault, Dan directed this whole thing, this is some sort of  
7 FBI plot and -- and my guys just you know got caught up in  
8 it. But there's a lot of things that the testimony revealed  
9 that Dan didn't do. He didn't form the group that was Mr.  
10 Morrison; he didn't ask people to download apps so they could  
11 look for law enforcement officers' addresses that was Mr.  
12 Musico. He didn't organize; you know he didn't organize the  
13 itineraries that was Mr. Bellar. He didn't a -- he didn't --  
14 he didn't -- he -- a Mr. Bellar did in fact participate in  
15 training and teaching other people. He worked at a gun  
16 range, and had a lot of experience with guns. He didn't  
17 request any QRF's to be deployed, that was Mr. Bellar, he  
18 didn't suggest kidnapping, that was Mr. Musico. He didn't  
19 come up with code words that was Mr. Bellar's initiative. He  
20 didn't teach anyone how to pack gunshot wounds in case people  
21 got into firefights that was Mr. Bellar, he didn't try to  
22 provoke law enforcement at protest that was Mr. Musico and  
23 Mr. Bellar. He didn't reach out to national contacts and try  
24 to combine forces. I -- I can see where this is going as far  
25 as directing, but I think this is plenty of evidence here

1 especially just to establish a question of fact judge to bind  
2 over on all of these charges as well as the additional charge  
3 that we're asking for.

4 THE COURT: What -- what's your position on the a  
5 kidnapping and a false imprisonment --

6 MS. DODDAMANI: Yeah.

7 THE COURT: -- issue raised by Mr. Johnson?

8 MS. DODDAMANI: Yeah, I mean my position is what is  
9 exactly in the statute, which is you go right to the statute  
10 and that's 750.543B, definition section where it defines what  
11 a violent felony is, and it says violent felony means a  
12 felony in which an element is the use, attempted use, or  
13 threatened use, of physical force against an individual.  
14 There's no requirement there be a kidnapping or an unlawful  
15 you know imprisonment or the use, attempted use, or  
16 threatened use of harmful biological substances, biological  
17 devices, chemical substances, chemical devices. So violent  
18 felony is actually a much broader, much broader definition  
19 according to this statute then what you and I are used to in  
20 a criminal court of law judge of what a violent felony means.  
21 All it means is a use or threatened use of physical force  
22 against an individual and that's 750.543bh.

23 THE COURT: Didn't Quigley address that statute?

24 MS. DODDAMANI: And what did it say, that unlawful  
25 imprisonment isn't a threatened use of force or attempted use

1 of force?

2 MR. JOHNSON: That's exactly what they said. Did

3 you pull --

4 MR. DODDAMANI: Well I didn't -- I didn't take that

5 that way.

6 MR. JOHNSON: -- pull the jury instruction for

7 unlawful imprisonment and kidnapping and said Michigan

8 decided to have a special kidnapping and unlawful

9 imprisonment statute that did not require violence therefore

10 it doesn't fit the definition of violent felony for

11 terrorism.

12 MS. DODDAMANI: That's --

13 MR. JOHNSON: And -- and that case your Honor the

14 People conceded.

15 MS. DODDAMANI: That is not what Quigley says judge.

16 Do you want us to bring it up, you can -- we can do that,

17 happy to provide it to the Court.

18 THE COURT: I would rather just have the oral

19 argument.

20 MS. DODDAMANI: Thank you judge.

21 MR. JOHNSON: And I'm sorry I thought I provided the

22 case to the Court.

23 THE COURT: Yes, I reviewed it.

24 MR. JOHNSON: All right, thanks.

25 MS. DODDAMANI: That's all I have judge.

1 THE COURT: Okay.

2 MS. DODDAMANI: Thank you.

3 THE COURT: As an initial observation, these charges  
4 don't necessarily require that the criminals be extremely  
5 confident or overly organized. The standard of proof at this  
6 stage is the prosecutor must present evidence sufficient to  
7 make a person of ordinary caution and prudence  
8 conscientiously entertain a reasonable belief of defendant's  
9 guilt. It's nowhere near proof beyond a reasonable doubt. I  
10 think it's important to reiterate that lawful activities in  
11 and of themselves can be used to glean or determine intent as  
12 it relates to subsequent criminal acts. From the defendants  
13 posture and I -- and I would expect this to be the case  
14 because we're in an adversarial system. The defendants  
15 choose to isolate particular incidents and indicate it's not  
16 against the law. I think that is an effective strategy, it  
17 may have jury appeal. I also believe that contrary to some  
18 of the assertions we do not need the ultimate crime to be  
19 committed whether it's killing, kidnapping or whatever for  
20 there to be culpability under the current charges. In terms  
21 of hearing the lengthy testimony, it's certainly by far the  
22 longest preliminary examination I've had in terms of hours of  
23 testimony I found the informant to be extremely credible. He  
24 is a severely injured veteran; I would also note that as  
25 informants go he's usually not the type of informant that

1 this Court sees. Usually the informants that this Court sees  
2 are criminal themselves seeking to avoid charges or in the  
3 alternative seeking a sentence reduction. In this particular  
4 situation, we have an informant that actually wanted to join  
5 the Watchman based on an algorithm that directed him to that  
6 site because in some regards he was politically aligned with  
7 their beliefs. The FBI didn't go out looking for him; rather  
8 the informant went to the police after he was deeply  
9 disturbed by a number of things. But I think the tenor of  
10 his testimony or the comments made -- made by Mr. Musico  
11 about tracking down the addresses of the police, and perhaps  
12 engaging in some type of reverse red flag action. He goes to  
13 the police because he's afraid that there may be violent  
14 intent here and a you know that perception in and of itself  
15 is very relevant. A potentially sympathetic character to the  
16 Wolverine Watchman makes a determination I don't like what  
17 I'm hearing, I think I better report it to the police. The  
18 police contact the FBI, the FBI then contacts Dan who decides  
19 to become an informant, and in the process full well knowing  
20 that to a certain extent, he's screwing up his personal life.  
21 Another preliminary observation is that the defendants are  
22 joined at the hip here. The prosecution did a very good job,  
23 all be it lengthy in establishing who knew what and when.  
24 However, at the preliminary examination, and in fact at trial  
25 you don't have to leave common sense at the courthouse door,

1       you can make reasonable inferences in terms of who knew what.  
2       In a snapshot of time in six months, these folks saw each  
3       other a whole lot more than I've seen many of my relatives in  
4       my sixty-five years. I mean they were together a lot, not  
5       only in person, but on their encrypted network or networks.  
6       I guess I'll go to the charge that really causes me  
7       difficulties. Count one, did threaten to commit an act of  
8       terrorism, and did communicate that threat to another person,  
9       it is the Court's ruling that we need to go to the definition  
10      of terrorism, and if we consider the definition of terrorism  
11      we get the interpretation under Osantowski, and we've beaten  
12      this issue into the ground. I'm going to use my own words;  
13      the threat must be done with an intent to create mayhem. I  
14      understand that's not the definition, I like that word  
15      better. And in that regard, yes it can be communicated to  
16      any person. But it still needs to be a threat of terrorism,  
17      and if you're saying stuff in a closed environment, in many  
18      respects it's no different then just thinking the thought to  
19      yourself. It's not going to be blabbed to the outside world.  
20      So yes we -- we have repeated statements by all these fellas  
21      about killing people and doing things of that nature all  
22      throughout April on and at various times. I'm not minimizing  
23      any of the defendants or their cohorts, they're all people, I  
24      understand that. But the person must be receiving a threat  
25      of terrorism and under Osantowski if it's not going to get



1 out to the public how can one take the position that it is  
2 designed to create mayhem. I know the attorney general  
3 disagrees on this issue and -- and certain that a this won't  
4 be the last word on it, but nevertheless the attorney general  
5 has indicated well one of the individuals was a an informant.  
6 And I suspect that the attorney general was asking questions  
7 about well did you call the police, what was your reaction at  
8 -- at the a -- one of the protest at the Senate or at -- at -  
9 - at the leg -- legislative building in Lansing. I believe  
10 the confidential informant notified the police, I know that  
11 with the Home Depot issue the police were notified. And in  
12 that regard if a one or more of the defendants had yelled it  
13 out to the general public and the general public had heard it  
14 and then called the police that would be different. But  
15 there has to be some form of intent here to insight mayhem  
16 and even if you voice it to Dan the informant all three of  
17 the defendants, individually and collectively clearly  
18 believed that Dan was with them, and wouldn't say anything.  
19 So yes, they're talking to a person but they're not  
20 communicating an act of terrorism as defined by Osantowski.  
21 I'm going to dismiss count one. In terms of Mr. Morrison,  
22 there's an argument that he had disengaged. In terms of Mr.  
23 Musico, there's a contention that he's Crazy Pete, and no one  
24 listens to him. In terms of Mr. Bellar, he takes the  
25 position that he was long gone before the plot to kidnap the

1 governor was finalized. I think if one analyzes the facts,  
2 and I don't know it's seven, eight hundred pages of  
3 testimony, these individuals were a whole lot more involved  
4 with the Wolverine Watchman org -- organization than what  
5 they claimed. In terms of Mr. Morrison, there's absolutely  
6 no question that he's the number one man. Is he taking or  
7 making the contention that as the number one man he's  
8 oblivious and totally cut off all communication with his  
9 organizations or with his organization when he was tending to  
10 his marital problems. All the practices were at Morrison's  
11 property. In fact, there was a shooting range at Morrison's  
12 property. He hosted on two occasions Adam Fox, he was the  
13 administrator of the web page with Mr. Bellar, and as  
14 administrator, they did the basically initial vetting to see  
15 who could get to the next step. The first step apparently I  
16 -- I have the impression that it was a few questions that you  
17 would have to perhaps answer, and then if you answered them  
18 appropriately you were referred to Wire. And then on Wire  
19 you then basically under -- underwent a process or interview,  
20 which was referred to as like a job interview. On June 20,  
21 in fact his leadership role was codified in writing as the  
22 leader. The testimony indicated that even though Mr.  
23 Morrison didn't go to the Dublin Ohio meeting, which was the  
24 initial for lack of a better word nationwide meeting, of  
25 various organizations of like-minded thought that he clearly

1 knew what was going on there. Apparently the reason that the  
2 Watchman didn't go to that is that a the time frame,  
3 apparently they were made aware of the meeting on relatively  
4 short notice. The more significant meeting were the plan of  
5 terrorism was further honed down was in Peoples Ohio. Mr.  
6 Morrison along with Mr. Musico were invited, apparently, they  
7 didn't go, but Dan went, Ty Garbin went, Dan Harris went, I  
8 believe Caleb Franks went. They're all members of the  
9 Wolverine Watchman. It defies belief to have that many  
10 members go, and say I didn't know anything about it. Going  
11 back to Adam Fox, in fact he had dinner with Adam Fox early  
12 on in April. After that dinner Adam Fox along with his  
13 number two, attend a Wolverine Watchman training. There has  
14 been some I guess disagreement or an attempt to distinguish  
15 or decipher who invited Fox to the training. But its Mr.  
16 Morrison's property, he wouldn't have come to that training  
17 if Mr. Morrison didn't want him there. In terms of Mr.  
18 Musico, it appears that a he appreciated the national  
19 exposure at the protest. But by virtue of his relationship  
20 with Mr. Morrison, Mr. Morrison was his son-in-law; they live  
21 on the same property. That in and of itself gives him some  
22 cache that perhaps other member would not have. It is  
23 possible that Mr. Musico is a legend in his own mind, that's  
24 something for the jury to decide. Mr. Musico I believe  
25 claims that the sixty to seventy percent of the ideas came

1 from him, vis-a-vis the Watchman. He certainly wasn't'  
2 afraid to submit what I perceive to be extremely violent  
3 ideas, catch and release, the three plan, locating police  
4 officers addresses with the ONX program. Testimony also  
5 reveals that a Pete would address the weather or the  
6 Wolverine Watchman before the meetings. If he was not a  
7 leader at least informally he wouldn't be addressing the  
8 Watchman group like that, and at one point he addressed the  
9 Watchman and told people that weren't willing to attack  
10 politicians to leave. Once again that is not something that  
11 a fellow traveler is going to say. That is someone that has  
12 enough clout to be given permission to speak like that to the  
13 rest of the group. The national leader of the militia's or  
14 the organizations that were trying to get together was Barry  
15 Croft; he was in touch with Barry Croft through September.  
16 He's Barry Croft's spiritual adviser, and in fact, at the  
17 second Ohio meeting he specifically asked Dan to take the  
18 three plan down to the national meeting. Granted ever -- you  
19 know perhaps it is true that everyone would not believe him,  
20 but it's also possible that he's clever like a fox. The  
21 juries going to get to decide it. I'd also note that the  
22 Watchman had no problem of kicking members out; they had a  
23 rather large purge at one point in time for the people that  
24 don't show up to training, and then secondarily there were  
25 additional folks that left as a result of what Mr. Musico had

1 indicated about politicians. Now in terms of Mr. Bellar,  
2 he's one of the administer of the web pages along with Joe  
3 Morrison. The testimony is, is that he you know led  
4 trainings both at the Munith and at the national training,  
5 two day training that took place in Wisconsin. Mr.  
6 Kirkpatrick rightly notes that it looks like we're dealing  
7 with some stated credentials, and that there were other  
8 people that could do it better. But there's no requirement  
9 of competency to potentially be responsible under the charges  
10 we're dealing with here today. Mr. Bellar actually, unlike  
11 some of the other defendants, I -- I think was present at  
12 more significant hearings than anyone else when we compare  
13 with Musico and Morrison. He's involved in that rather  
14 strange meeting at the Vac Shack, I almost wanted to laugh  
15 about that, but it's not laughable when you start discussing  
16 what they were talking about. It's a meeting with Mr. Fox;  
17 once again, it's a meeting that doesn't take much of an  
18 inference to realize that Musico and Morrison knew about  
19 this, where they were discussing the sharing of resources.  
20 Apparently, Fox is head of the Three Percenters; apparently,  
21 Fox at one point in time was going to form the Second  
22 Continental Army. Mr. Bellar also went to the national  
23 training in Wisconsin, as I indicated he instructed there. A  
24 number of Wolverine Watchman went to that training, Adam Fox  
25 was there, Barry Croft was there. The Wolverine Watchman

1 charter, for lack of a better word talked about forming  
2 QRF's, Mr. Bellar formed his own QRF, and in fact was  
3 essentially his QRF, which ultimately went to Adam Fox when a  
4 decision was made as to what was going to be done. Curiously  
5 there was a -- a second training in -- in Luther Michigan,  
6 and as I read the transcripts it was Mr. Bellar who  
7 instigated that invitation or at least early on. I would  
8 note with Mr. Bellar that once, there need to be  
9 prerequisites so once the material support is provided it  
10 doesn't matter what he does then. That's how the Court  
11 interprets that statute. Mr. Bellar apparently had a problem  
12 with Mr. Morrison when he brought a girlfriend to a training.  
13 Every organization is going to have its up and downs, its  
14 disagreements, that's not surprising. My interpretation of  
15 the facts is, is the only reason he left the state were money  
16 issues. At one point, I think he didn't have enough money to  
17 pay the rent because he bought armor. At another point,  
18 there's a reference to a damage to a motor vehicle. Whether  
19 it was lack of money that sent Mr. Bellar to South Carolina  
20 not a cessation of his involvement with the Wolverine  
21 Watchman. And finally after he left the authorities searched  
22 Mr. Bellar's former residence, and obtained some interesting  
23 materials. Mr. Bellar contacts the Wolverine Watchman, lets  
24 them know of the situation so they can take remedial  
25 measures. If he is disengaged from the Watchman, that call

1 would never have occurred. So to the extent that maybe a  
2 member is crazy or they have disengaged from the Wolverine  
3 Watchman as it relates to all three of them, there was no  
4 total disengagement and no one is totally crazy or not  
5 listened to, to some degree or another. By analogy I -- I  
6 think these gentleman are at the top of a mountain, make a  
7 snowball, start rolling it down the hill, at various times  
8 maybe their effort diminishes or they leave temporarily but  
9 they started a very big snowball, which wasn't going to stop.  
10 The gang charge, more than five people clearly, clearly  
11 satisfied. In order to be gang there also has to be a  
12 unifying mark, manner, protocol or method of expressing  
13 membership including common name, sign or symbol, means of  
14 recognition, geographical over territorial sites or boundary  
15 or location. I think that portion of the requirement is met  
16 if you -- you consider the following, they have an  
17 identifiable name as Wolverine Watchman. In fact, Wolverine  
18 I still think is the state animal. Clearly located in  
19 Michigan as opposed to other multi state organizations.  
20 There are also other Michigan organizations, but they have a  
21 specific based location where they do most of their stuff,  
22 that would be Munith. They have a multi-tiered vetting  
23 process, secret means of communication on encrypted networks  
24 including but not limited to Wire. They had required  
25 trainings that one must attend; there very -- they were very

1 exclusive in their membership with the purges, repeated use  
2 of the Hawaiian Boogaloo theme in terms of postings and  
3 clothing. Certainly, the out of state people perceived them  
4 to be a Michigan organization. They had a typical attire at  
5 public protest or specifically the carrying of firearms and  
6 pretty much looking like someone ready for combat. They had  
7 a membership criteria, which I think kind of, goes through  
8 the vetting process and the interview. Although the  
9 leadership was not formalized, I don't think there was any  
10 doubt Joe Morrison was the head guy. Later, leadership was  
11 codified I think in June 20, Joe's the head guy, informant  
12 number two we got sergeants Bellar, Garbin and Harris. I  
13 also think that for purposes of preliminary examination  
14 there's no question that the Wolverine Watchman, this gang  
15 was not a not for profit organization. And are they  
16 responsible under the gang membership statute? In order to  
17 do that the People need to prove that there was an attempt or  
18 they did commit to -- commit the felony of providing material  
19 support for acts of terrorism, which I will get into now. I  
20 am engaged in some degree of fact finding here, and the first  
21 thing that sticks in my mind is why all of the secrecy.  
22 These three defendants were not shrinking violets, they were  
23 not afraid to publicly protest, exercise their First  
24 Amendment right and in Mr. Musico's situation in a very  
25 aggressive manner at the one protest. If they have, no



1 problems with being very public with their positions why  
2 totally disappear. One could say well they're paranoid and  
3 they want to be left alone, I -- I guess that's one  
4 conclusion or another conclusion could be is they're doing  
5 stuff they know they shouldn't be doing and they don't want  
6 anyone to know about it. The second thing that stuck in my  
7 mind was why do all this work, why do all this training of a  
8 varied nature, why travel to all these places, why spend all  
9 this time texting each other, do you mean to say it means  
10 nothing. If I'm going to spend this amount of time on  
11 anything, I'm going to have an end goal in mind. And I do  
12 believe it's something more than a social club that wants to  
13 exercise its right at some type of constitutionally protected  
14 militia. Pretty much from day one it's clear that the  
15 members of the Wolverine Watchman believed in the Boogaloo,  
16 believed in civil war, believed it was coming, and I don't  
17 have to go through the pages to support the proposition that  
18 the defendants individually and collectively wanted to  
19 precipitate the violence associated with the Boogaloo. I got  
20 tired of making notes. I don't believe it's fatal to the  
21 material support charge that a plan wasn't finalized. I  
22 don't think it's fatal to the existence of a conspiracy that  
23 a plan wasn't finalized. It's manifestly clear to me that  
24 the Wolverine Watchman very quickly decided to implement or  
25 precipitate the civil war as dictated by the general doctrine

1 of Boogaloo. Sure, they may have floundered a bit, but  
2 that's something that always happens when people embark on a  
3 rather large project. But the intent is so clear that these  
4 individuals were going to do something more than spout off  
5 threats to each other, there were a variety of plans. I have  
6 to use the word plan in a I guess rather expansive  
7 interpretation, but a plan none the less. Even something  
8 stupid can be a plan and at one of the protest that a I  
9 believe Adam Fox was there, there were a lot of statements  
10 made about wanting to start the Boog, discussions of do we  
11 have enough people or not. Musico floated his plans, that  
12 second meeting in Ohio was for purposes of finalizing plans  
13 so that nationally it would determined what was going to be  
14 done first, which state was going to be hit. How do the  
15 Wolverine Watchman contribute to the ultimate plan, which was  
16 eventually honed down to allegedly kidnapping governor?  
17 Although, I don't perceive that given, the nature of these  
18 organizations that that is what was going to actually happen  
19 because of the loose nature of how all these groups  
20 approached this. I don't mean to get too esoteric, but I  
21 would a -- as an observation I would say for those that  
22 ultimately joined Adam Fox if there wasn't the Wolverine  
23 Watchman I have serious questions whether they would ever  
24 hooked up with Adam Fox and/or Barry Croft. The Wolverine  
25 Watchman to some degree provided them with the platform that

1        allowed the contacts. Joe Morrison was known to have  
2        national contacts. The secret vetting also played a role,  
3        there seemed to be an undertone of if you're not with us  
4        you're against us. People were kicked out, people were asked  
5        to leave, what do you have left, an echo chamber. The  
6        Wolverine Watchman created an echo chamber, which reinforced  
7        and perhaps hardened the beliefs of the remaining Watchman.  
8        This is an interpretation and -- and opinion I would note,  
9        it's based on what I perceived to be a logical inference, an  
10       inference that I think is warranted dating back to 2011, and  
11       various forms of Gehad that we have seen since then, and I  
12       don't think it requires an expert to draw some type of  
13       conclusion in that regard. From a legal standpoint, one can  
14       observe it readily. Some people watch only one news network,  
15       and some people only watch the other news network, it  
16       reinforces their beliefs. What I've said thus far is really  
17       intended to be more contextual than anything else, but the  
18       repetitive offensive training that these individuals  
19       undertook. Granted it may not have been as efficient as  
20       maybe some other people would have run it, but this training  
21       certainly had an impact on these Boogaloo soldiers. Kill  
22       houses, convoy intersection, breaching doors, live fire,  
23       crawling on the ground, dressing up like storm troopers,  
24       obtaining equipment obviously, this improved their ability to  
25       participate in violence, which each of the three defendants

1       mouthed in various forms. So we have a whole lot of training  
2       increasing expertise with the Wolverine Watchman dwindling  
3       down their membership to only include the true believers, and  
4       while all of this is happening the Wolverine Watchman then  
5       are taking steps to combine with other militias. Adam Fox  
6       located in Michigan, multiple meetings with him, he's at two  
7       trainings. This contact with Adam Fox may very well have  
8       undoubtedly resulted in his attendance along with Barry Croft  
9       at the national Wisconsin training, which a slew of Wolverine  
10      Watchman attended. And at that session I believe Adam Croft  
11      and Adam Fox commended the Wolverine Watchman for their  
12      teamwork. A member of the Wolverine Watchman invites the  
13      people in Wisconsin to come to a Luther Michigan national  
14      training. And at yet another training is where Adam Fox  
15      picks quite a few Wolverine Watchman to be part of his team  
16      to participate in what was labeled as a kidnapping of  
17      Governor Gretchen Whitmer. Ty Garbin, Caleb Franks, Dan  
18      Harris and I think there was a fourth, maybe Brandon  
19      Conserta, most of those, most if not all of those folks by  
20      the way were from the QRF that a Mr. Bellar headed up. To  
21      put it in simple words the way this shook out it appears the  
22      Wolverine Watchman to use a baseball analogy, was the triple  
23      A ball club for the major league, the farm club. They train,  
24      correct and deficiencies, and send them up to the big  
25      leagues. Unfortunately, the big leagues was something

1 extremely heinous and illegal. Now there has been some  
2 discussion of gangs and sub gangs, there's absolutely no  
3 proof that any of these Wolverine Watchman that eventually  
4 went to Adam Fox ever quit the Wolverine Watchman. There's  
5 absolutely no testimony that the Wolverine Watchman totally  
6 relinquished control over any quick reaction force. In fact,  
7 the quick reaction forces were envisioned I believe as part  
8 of the Wolverine charter. The QRF's were designed to assist  
9 any Wolverine Watchman. I don't see the QRF's in relation to  
10 the Wolverine Watchman hierarchy any differently than I would  
11 view a gang in downtown Detroit that's involved in drugs.  
12 Part of the gang, gang buys the drugs, part of the gang sells  
13 the drugs, you have your enforcer, and you probably have the  
14 executive committee that don't do anything, no different.  
15 There's also been some questions whether this was a violent  
16 act, there's discussion of kidnapping, discussion of false  
17 imprisonment. All throughout this case there have been  
18 various threats or various comments made about Gretchen  
19 Whitmer by those inside and outside the Wolverine Watchman. I  
20 think at one of the protest when the Watchman were kind of  
21 preparing to breach the doors not knowing that the doors were  
22 open, and not appreciating the fact of, that a -- they were  
23 extended their full rights under the First and Second  
24 Amendment. I don't see it as, so much as a defense of the  
25 defendants as a pat on the back towards our system of

1 government. But when they were posing in, apparently in  
2 front of the governors door, which wasn't her door, at some  
3 point in time I think there was talk about encountering the  
4 governor and I think that Mr. Musico said something about  
5 dragging the bitch out back. Within the Watchman  
6 organization and perhaps and this is where its difficult to  
7 recall, so much testimony and a jury doesn't have to give the  
8 basis for their findings, and perhaps the outside co-  
9 conspirators as well. I don't -- I don't think so, but  
10 within the Watchman community there were multiple  
11 conversations about doing harm to Gretchen Whitmer, killing,  
12 hog-tying her, I think that came from Adam Fox. Displaying  
13 her on the table, I believe that came from Adam Fox. They  
14 wanted to kidnap her; they do surveillance on the house that  
15 suggests to me that they're anticipating a home invasion  
16 first. There's also discussion of take -- taking her to  
17 Wisconsin, there was also discussion of putting her out on  
18 Lake Michigan, which could easily result in her death. The  
19 point I'm trying to make just because Adam Fox labels this a  
20 kidnapping doesn't mean we're stuck with that label, and some  
21 of the defendants said Adam Fox is crazy. I would contend  
22 that all these people are not necessarily crazy, but perhaps  
23 erratic, which makes them the most dangerous of criminals  
24 because you can't predict them. The point I'm getting at is  
25 they may label it a kidnapping, as far as I'm concerned going

1 to Gretchen Whitmer's house and seizing her had a probable  
2 likelihood of resulting in injury or death to Governor  
3 Whitmer or in the alternative the commission of other violent  
4 crimes, which fall within the statute. So in that regard I  
5 don't even need to reach the issue of what label falls inside  
6 or outside the case of Quigley. For purposes of the record  
7 the material support that these defendants provided to the  
8 terrorist Adam Fox, is based on the defendants role in  
9 connecting its members to Adam Fox and to the out state  
10 individual Barry Croft. Providing extensive training to its  
11 members and repeatedly exposing their expertise to others,  
12 which resulted in a number of Michigan Watchman being  
13 selected to join Adam Fox in their attempt to commit criminal  
14 actions against Gretchen Whitmer. In terms of the felony  
15 firearm I -- I do believe there's direct testimony indicating  
16 that all three individuals were using guns at the training.  
17 If the training is part of the material support then you have  
18 the felony firearm. So each of the defendants are being  
19 bound over on terrorist act providing material support, gang  
20 membership felonies and felony firearm. The terroristic  
21 threats charge against Musico and Morrison are dismissed, and  
22 I decline to add that charge as to Mr. Bellar. This case is  
23 assigned to Judge Wilson. Probably what will happen is the  
24 parties will be advised of the pretrial, it'll probably  
25 happen four to six weeks from now. I believe the procedure

1 is to waive arraignment, and have a pretrial. Mr. Bellar,  
2 I'm not going to have you wait, I had toyed with the idea of  
3 probably or I toyed with the idea of addressing your bond,  
4 and I want you to know that as the facts have shaken out not  
5 as it relates to Gretchen Whitmer, but to the general public  
6 as a whole your involvement, and your potential propensity  
7 for violence is much higher than I had initially thought at  
8 the bond hearings. And I will specifically draw your  
9 attention to that Home Depot incident, inexcusable. If you  
10 thought one of those -- if you thought Fed boy was a Fed, and  
11 you know what I'm talking about the other member of the  
12 Wolverine Watchman didn't even have to participate; you  
13 wouldn't even have to be there. But what do you do, show up  
14 with a gun and say if the cops show up I'm going to shoot  
15 them. So in many respects of the three defendants I think  
16 you may be the loosest cannon. We haven't had any problems  
17 thus far, you're certainly the youngest, you certainly don't  
18 have any money and to a significant degree I hope you're  
19 scarred, you've been defanged, if I didn't think you were  
20 we'd be adjust -- adjusting that bond upwards, but I'm not  
21 going to do it.

22 MR. BELLAR: Thank you.

23 MR. KIRKPATRICK: Thank you, your Honor.

24 THE COURT: Okay. From the attorney general I think  
25 we you do need to get copies of the audio or any visual



1 exhibits. I don't want to make Mr. Morrison's attorney do  
2 anything, there's that twenty-minute radio or audio clip. If  
3 you could provide those in some form or fashion within the  
4 next thirty days, at least we will have it for the file so  
5 that the circuit judge if they -- if he wants to look at it  
6 has it. Sometimes I don't run as tight a ship as I should  
7 but every judge has their own style.

8 MS. DODDAMANI: Happy to do, judge.

9 THE COURT: Okay. In terms of the arguments, the  
10 professionalism outstanding, the representation outstanding,  
11 certainly it's not the result I know that the defendants  
12 wanted. To a certain degree, I think it's not the result  
13 that the attorney general wanted, but I do believe<sup>4</sup> that  
14 everyone came prepared. I see why it took so long, but  
15 everyone I thought was very on point, and I thank all of you,  
16 thank you.

17 MR. SOMBERG: Thank you, your Honor.

18 MR. JOHNSON: Thank you, your Honor.

19 MR. KIRKPATRICK: Thank you, your Honor.

20 MS. DODDAMANI: Thank you, judge.

21 MR. TOWNSEND: Thank you, your Honor.

22 (At 1:07 p.m., proceedings concluded)

CERTIFICATION

I certify that this transcript, consisting of 90 pages, is a complete, true, and correct transcript of the Probable Cause Hearing held in the matter of the People of the State of Michigan versus Paul Edward Bellar, People of the State of Michigan versus Joseph Matthew Morrison, and People of the State of Michigan versus Pete Musico, March 29, 2021

Date: May 4, 2021

---

Shellie Sanders CER 7667  
Certified Electronic Recorder  
312 S. Jackson Street  
Jackson, MI 49201  
(517) 768-6874